HEARING ON THE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1986

HEARING

BEFORE THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

FIRST SESSION

MARCH 4, 1987

Printed for the use of the
Select Committee on Narcotics Abuse and Control

SCNAC-100-1-2

U.S. GOVERNMENT PRINTING OFFICE

74-244 WASHINGTON : 1987

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

H961-47

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

(100th Congress)

CHARLES B. RANGEL, New York, *Chairman*

PETER W. RODINO, JR., New Jersey
FORTNEY H. (PETE) STARK, California
JAMES H. SCHEUER, New York
CARDISS COLLINS, Illinois
DANIEL K. AKAKA, Hawaii
FRANK J. GUARINI, New Jersey
ROBERT T. MATSUI, California
DANTE B. FASCELL, Florida
WALTER E. FAUNTROY, District of Columbia
WILLIAM J. HUGHES, New Jersey
MEL LEVINE, California
SOLOMON P. ORTIZ, Texas
LAWRENCE J. SMITH, Florida
EDOLPHUS "ED" TOWNS, New York

BENJAMIN A. GILMAN, New York
LAWRENCE COUGHLIN, Pennsylvania
E. CLAY SHAW, JR., Florida
MICHAEL G. OXLEY, Ohio
STAN PARRIS, Virginia
DUNCAN HUNTER, California
JOSEPH J. DIOGUARDI, New York
STEWART B. McKINNEY, Connecticut
F. JAMES SENSENBRENNER, JR., Wisconsin
ROBERT K. DORNAN, California

COMMITTEE STAFF

EDWARD H. JURITH, *Staff Director*
ELLIOTT A. BROWN, *Minority Staff Director*

CONTENTS

	Page
Opening statement of the Honorable Charles B. Rangel, Chairman, House Select Committee on Narcotics Abuse and Control	1
Testimony of:	
William J. Landers, Deputy Associate Attorney General	6
The Honorable Joseph P. Riley, Jr., Mayor of Charleston; President, United States Conference of Mayors	19
The Honorable Edward I. Koch, Mayor of the City of New York	21
Rose Matsui Ochi, Executive Assistant to the Mayor and Director, Los Angeles City Criminal Justice Planning Office	36
Timothy R. Schoewe, Hearing Examiner, Milwaukee Fire and Police Commission, on behalf of the National Criminal Association of Criminal Justice Planners, Washington, D.C	39
Prepared statements:	
Chairman Charles B. Rangel	50
Representative James H. Scheuer	56
Ranking Minority Member Benjamin A. Gilman	60
William J. Landers	64
Mayor Joseph P. Riley, Jr	74
Mayor Edward I. Koch	80
Rose Matsui Ochi	90
Timothy R. Schoewe	101
Submissions for the record:	
Memorandum for Chairman Rangel concerning Department of Justice Grants	115
Bureau of Justice Assistance announcement	120
Bureau of Justice Assistance Fact Sheet	121
Letter from Police Executive Research Forum to Chairman Rangel	135

HEARING ON THE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1986

WEDNESDAY, MARCH 4, 1987

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
Washington, DC.

The Committee met, pursuant to call, at 9:30 a.m., in room 2247, Rayburn House Office Building, Hon. Charles B. Rangel (chairman of the committee) presiding.

Present: Representatives James H. Scheuer, Frank J. Guarini, Solomon P. Ortiz, Lawrence J. Smith, Edolphus Towns, Benjamin A. Gilman, Lawrence Coughlin, E. Clay Shaw, Stewart B. McKinney, F. James Sensenbrenner.

Staff present: Ed Jurith, staff director; Elliott Brown, minority staff director; Ron LeGrand, counsel; Michael Kelley, counsel; Barbara Stolz, professional staff; Rebecca Hedlund, press officer; Jim Lawrence, professional staff; Jack Cusack, consultant; Jehru Brown, investigator; and Khalil Munir, investigator.

OPENING STATEMENT OF CHARLES B. RANGEL, CHAIRMAN

Chairman RANGEL. Today the Select Committee on Narcotics Abuse and Control will conduct the second in its series of oversight hearings on the implementation of the Anti-Drug Abuse Act of 1986 (Public Law 99–570). Today's hearing will focus on the State and local Law Enforcement Assistance Provision of the Act.

It was only 4 months ago, on October 27, 1986, that the President signed the Anti-Drug Abuse Act into law. I remember quite vividly the fanfare that permeated that ceremony. More importantly, I recall that we who had been involved with drug trafficking and abuse issues for many years felt that a major breakthrough had been achieved. We felt that the signing of this Act evidenced the Administration's strong and sincere commitment and willingness to work with the Congress in forging effective anti-drug programs.

The Anti-Drug Abuse Act of 1986 is an historic piece of legislation. For the first time in our history, we have a comprehensive Federal program which attacks drug trafficking and abuse. Indeed, it was the intent of a bipartisan House and Senate to form a united front against the crisis of drug trafficking and abuse which threatens the safety and welfare of our country.

It was our intent, by passage of the Act, to send a strong signal to the public, our dedicated law enforcement officers, our embattled criminal justice system, traffickers, and narcotics source and

transit countries. The signal was that we in the Congress and the Executive, we in the United States were committed to ridding our society of the scourge of drug trafficking and abuse.

The Act addresses every aspect of our Nation's drug abuse problem: international narcotics control, tougher criminal penalties against drug dealers and money launderers, significant additional resources to be utilized in drug interdiction, and improved drug treatment, rehabilitation, prevention and education. Such a comprehensive strategy is essential to confronting the problem effectively in order to win the war.

Yet, while we, in both Houses of Congress, did not delude ourselves into thinking that this legislation would be the magic pill, the panacea, we also knew it was a good start. The Act was to be a first step in developing a comprehensive drug abuse policy. That was what we said on October 27, 1986. We knew that much more would need to be done. We in Congress would have to monitor implementation of the Act to ensure that it was being carried out expeditiously and effectively. Likewise we would need to ensure that appropriate follow-up actions are taken to solidify and expand the gains made possible by this strong signal to the public, our dedicated law enforcement officers, our embattled criminal justice system, traffickers, and narcotics source and transit countries. The signal was that we in the Congress and the Executive, we in the United States were committed to ridding our society of the scourge of drug trafficking and abuse.

And naturally, some of the mayors, and governors, and community people are concerned as to whether or not the Congress merely was engaged in a pre-election exercise or whether our commitment went beyond last year when the President signed the bill.

This is the first time that we've ever had a national comprehensive strategy. Most of us on the Committee and in the Congress believes that it is necessary to have that to get some type of handle on this problem.

Last week we started a hearing and we had a representative from the Education Department. And, of course, we know how constantly Secretary Bennett had resisted any Federal funds for prevention and education. But, nevertheless, they accepted the money and got it out there to the districts.

Now they don't want the same amount of money for 1988. They want to reduce it by $150 million.

Recently, yesterday, the State Department issued a report indicating, as a result of their strategy, there will be bumper crops in every drug-producing country throughout the world. And that we should expect even more drugs coming into the United States.

In view of that, we are asking members of the Administration's Cabinet that have responsibilities in this area to come and share with us how the request for reduction in funds fits into the increase in the amount of drugs we expect to be coming into the United States, and to get a better understanding of the strategy, if any, that the Administration has.

I want to point out that we were a little surprised that Secretary Bennett was unavailable. We are, again, a little embarrassed and surprised that the Attorney General's schedule did not permit him to share his views with us.

We are still going to continue to try to get the people that have the national responsibility. I would just like to say that I'm going to keep trying privately and publicly, as the Chairman of this Committee, to try to get their schedules flexible enough to come before the Congress.

I do hope that those that are here today might feel comfortable in sharing with the Attorney General that our staffs will do everything possible to arrange our schedule to meet his. But if we can't have the exchange in the Congressional Hearing Room, we will have the exchange publicly.

[The opening statement of Chairman Rangel appears on p. 50.]

The Chair now would like to yield to Congressman McKinney, who is a new member on the Select Narcotics Committee, but an old veteran in the fight against narcotic and substance abuse.

Mr. MCKINNEY. Mr. Chairman, I'll speed things along by not giving an opening statement.

Chairman RANGEL. First, I want to point out that we expect to have testifying, after we hear from the Administration and the Attorney General's Office, the Honorable Ed Koch, Mayor of New York City, and the Honorable Joseph Riley, Mayor of Charleston, South Carolina who is the President of the United States Conference of Mayors.

Then we will receive testimony from—I think that will be it for this morning.

Now, we have two additional witnesses from the Criminal Justice Planner from Milwaukee, and Rose Matsui Ochi who is the Criminal Justice Coordinator for the great City of Los Angeles.

I would like to point out too that our Committee has been invited to revisit Brownsville, Texas, which has been one of the major points of entry on our border. We will be hosted by Congressman Solomon Ortiz who is one of our leaders in this struggle.

After that visit, during the Easter recess, we intend to visit with the Mexican officials there.

The Chair now will yield to Mr. Ortiz as well as to my distinguished colleague and friend, Jim Scheuer.

Mr. ORTIZ. Thank you, Mr. Chairman.

I would like briefly to thank you for calling this meeting of the Select Committee on Narcotics Abuse and Control today. Since we're not a legislative committee, I feel strongly about our responsibilities in monitoring the provisions of legislation applied to the drug menace in our society.

Naturally, Public Law 99-570, the entire Drug Abuse Act of 1986, clearly calls, within this description of the Committee's jurisdiction, that this should be an educational, not a confrontational hearing. And regardless of our political leanings, we can all agree that the dangers and devastation caused by drugs in our society is enormous.

This attitude of bipartisan agreement and cooperation was reflected in the draft of the Anti-Drug Abuse Bill was a warning based at the 99th Congress last year. President Reagan applauded these efforts in signing this bill along with much fanfare and press coverage. That was before the 1986 elections.

And perhaps, more significantly, before President Reagan releases the proposed budget for fiscal year 1988, Mr. Chairman, in

reviewing this budget I'm afraid it appears that President Reagan has changed his mind on the entire Drug Bill that he, himself, signed into law last year.

Of particular importance to the committee today, I guess we would like to know what has prompted the President to reduce these levels. I hope that the witnesses maybe will help us understand what has happened, what has transpired since last year.

Again, Mr. Chairman, we look forward for the committee coming in to Brownsville. Hopefully, some of the other members can join the hearings down there.

Thank you, Mr. Chairman.

Chairman RANGEL. Mr. Scheuer.

Mr. SCHEUER. Thank you, Mr. Chairman.

I wish to thank you for having arranged these hearings. We thought we had a fine bill last year, a consensus bill, a bipartisan bill, a bicameral bill supported by both parties in both Houses. But it appeared that our efforts went for nought.

Because this President, while telling the American kids, out of one side of his mouth, to say no to drugs, is telling the Congress that he's saying no to drug funding. And I mean drug funding for efforts of eradication. He's saying no to drug funding for efforts at interdiction of drugs coming into our country. He's saying no to efforts to improve law enforcement, to give local communities the wherewithal to enhance their law enforcement capability.

And above all, and most painful of all, he's saying no to efforts to fund additional programs to do something about treatment of those who are addicted to drugs and who want to shake the habit, and he's saying no to drug funding to the most important program of all which is drug education, teaching the American people, and especially our kids, that drugs are a no, no; that they are lethal; that they're a destroyer of life, a destroyer of hopes, a destroyer of prospects for a decent education, a decent job, a decent marriage, a decent life.

It's painful. And if the Administration—the witnesses here from the Justice Department—can throw any light on how that decision got to be made, how the transition was made telling the kids to say no to drugs, but telling Congress and the American people that he's saying no to drug funding for every kind of positive and constructive program, I would be very grateful. And I'm sure my colleagues would be very grateful.

Thank you, Mr. Chairman.

[The opening statement of Congressman Scheuer appears on p. 56.]

Chairman RANGEL. Mr. Guarini.

Mr. GUARINI. Thank you, Mr. Chairman.

I guess I should say let it roll. I just want to make one observation, it's a matter of our sense of national values.

Here we live in an era where we're trading hostages for arms and spending tens and hundreds of millions of dollars getting ourselves involved, and where we're losing national credibility.

Yet, at the same time, we have insufficient money for not the handful of hostages that were involved but for the hundreds of thousands of people who are addicted to heroin, cocaine and the other drugs.

So I do think that what we've really got to get set is our national sense of values and our priorities because it seems to me there is a great inconsistency out there.

Thank you, Mr. Chairman.

Chairman RANGEL. Thank you.

The Chair now takes pleasure in inviting William Landers, the Deputy Associate Attorney General before the Committee.

Good morning, Mr. Landers. We have read your statement yesterday before the Select Committee. And it's going into the record. As the members have indicated, and the Chair would like to underline the fact that in view of the fact that it's abundantly clear that our international strategy is not working, or to put it another way, that the State Department agrees with the United Nationals and they agree with the Congress that because of bumper crops we expect much more drugs to come into the United States, and in view of the fact that the Customs officials have made it abundantly clear that if we just had people border to border, coast to coast, that they would not be able to allow them to come into the United States, and in view of the fact that we have the same number of Federal law enforcement officials in 1987 as we had in 1976 and no one is looking for a Federal Police Force, that it appeared to be that the local and State law enforcement were really the front-line troops.

For that reason, the Congress passed substantial funds to assist them as the front-line troops as it relates to law enforcement in this great national/international struggle.

It now appears that the Office of Management and Budget, and I assume the Attorney General and take the risk of assuming the President, has approved the complete elimination of $225 million for local and state in the cost of your presentation, it would help us a great deal if you could concentrate on how this decision was made.

Mr. LANDERS. Certainly.

Chairman RANGEL. Thank you. And my last interruption would be could you share for the record why the Attorney General could not be with us this morning?

Mr. LANDERS. Mr. Chairman, my understanding is that he had some prior commitments that had been made quite awhile ago. I don't know beyond that why he was unable to attend. Principally, it was the commitment of his schedule.

Chairman RANGEL. Well, I would assume, you know, most of the time when someone cannot keep a commitment, they try to share the priority of the prior commitment. And that way, it doesn't become offensive.

But the Attorney General just said he had something else to do that he thought was more important.

Mr. LANDERS. Mr. Chairman, I have not discussed it with him. I would be more than happy to discuss it with the Attorney General and to let the Committee know what the prior commitment was.

Chairman RANGEL. Well, Mr. Landers, I don't know; would you have a chance to talk with the Attorney General? Is it that type of relationship? I mean, did he ask you personally to come here?

Mr. LANDERS. No, Mr. Chairman. I was asked by my immediate superior, Mr. Trott, the Associate Attorney General, to appear.

Chairman RANGEL. When last have you seen and talked with the Attorney General?

Mr. LANDERS. That would be about 2 weeks ago with respect to the Office of Justice Programs. We had a meeting with the Assistant Attorney General who heads that, and myself, and the Associate Attorney General.

Chairman RANGEL. Do you think that if we asked you to ask the Attorney General some questions to get back to us that you might be able to have access to him?

Mr. LANDERS. I certainly would be able to. Yes, Mr. Chairman.

Chairman RANGEL. Very good. Then would you tell the Attorney General that the Committee was very disappointed that he could not appear or give reasons why he could not appear. And that we're going to make every effort to make our schedules flexible enough to fit in to the Attorney General's very important schedule.

That we would hope that we could firm up something before this month is out.

Mr. LANDERS. I'll certainly give you the answer.

Chairman RANGEL. And none of our feelings have anything to do with your presence. We were glad that you thought it was important enough to be here. We thank you for coming.

TESTIMONY OF WILLIAM J. LANDERS, DEPUTY ASSOCIATE ATTORNEY GENERAL

Mr. LANDERS. Well, Mr. Chairman, certainly, the Department does believe it's important to be here because this is a very important issue.

I'd like to start briefly with a little bit of overview about how we have moved to implement the State and Local Law Enforcement Assistance Act of 1986 so far this year.

As you know, that Act provided approximately $178 million in block grant funds. And that the Bureau of Justice Assistance, working in the Department of Justice, has moved swiftly to implement that. The reason I would like to talk about this is I think it helps to explain and understand a little bit the reasoning behind the decisions wiih respect to the 1988 budget.

Just by way of background, the Bureau of Justice Assistance in November, right after the bill was enacted, sent notification to the governors of the States that the funds were available.

I think it's also important to know that at that same time, in fact, before the governors were notified, that in October of last year, October 31, we notified the existing State agencies with respect to Bureau of Justice Assistance funds, that the additional money would be available upon application.

Presently, the first step in the process has been completed by all but one State. And that's the designation of a State agency that's responsible for administering the funds. And 49 of the States have designated their State agency.

As a result, we're in the position currently to award 10 percent administrative funds. As you know, the Act allows States to spend 10 percent of their allocated funds for administrative purposes.

In order to get the whole ball rolling, the Bureau of Justice Assistance provided a streamlined application that allows States to

submit a brief application and get those 10 percent administrative funds as a startup feature.

In December, we received the first applications for those administrative funds. And in January, $2.9 million was awarded to seven States and the District of Columbia as a startup. And by the end of February, we've now awarded almost $8 million of those 10 percent funds to the District of Columbia and 23 States.

Now, the reason that we have moved swiftly to get the 10 percent funds out is because under the Act, itself, the next step, the actual awards of the funds, will be something that may take some time to accomplish.

Principally, that is not anything to do with the administration of the program, but it's a requirement of the Act that the States devise a State strategy. Some States have had their statewide strategy already in place. And obviously, their application for the funds will be hastened by that fact.

But a number of States don't have that. They have not developed a statewide strategy. And that is essential to the program. The purpose, as we've emphasized to the States, for having that statewide strategy is to ensure that any new assistance that's infused in the State and local governments is going to be coordinated and integrated into it.

We're not going to be overlapping, which was one of the key concerns with the Act. But, in fact, what we will be doing is supplementing and expanding the State resources in their war on drugs.

In order to assist the States in developing the statewide strategy, which does require a substantial coordination within the State, both at the State level and local level, the Bureau of Justice Assistance has provided a whole mechanism, a data-gathering system.

Again, this underscores the fact that this is a fairly sophisticated task. What the States really are required to do is to assess, first of all, the information they have about what is the problem in their particular—both State and local. And what's the division of labor that's going on currently. What kind of problems are the locals addressing, what kind of problems are the State governments addressing.

Once they've identified the problem, they also have to decide what the resources are that they currently have in place. And that, again, is a substantial task of data-gathering and coordination among the various local and State governments.

Once they've identified the gap, the next step they have to do then is to design programs that will fill those gaps. So that, again, we are expanding in State and local's efforts. We're moving them into a new direction, and we're helping them to move into areas that may not be addressed currently which we believe is the whole thrust of this assistance, to give supplements, expansion and enhancement.

Now, in order also to help the States with their development of strategies, we have a number of workshops, three workshops that will be going on throughout the United States. In fact, the first one is occurring today here in Washington.

We have one another week or so in Chicago, and will finish up at the end of the month with a workshop in San Francisco. Again, the purpose of these workshops is to help the States understand the

program, the requirements under the program, and help them to devise and put together a statewide strategy that will meet the requirements of the Act.

We believe that the other thing that will have assist the States in putting together this strategy and swiftly implementing the program is the development of program guidelines. We had a draft set of guidelines that have gone out.

We have received comment on those. We anticipate that after the last workshop in March, we will finalize those guidelines. But we're waiting until then because we believe that the exchange of information in those workshops will be beneficial.

I might note one other thing——

Chairman RANGEL. Are local government representatives included in these workshops?

Mr. LANDERS. Yes. They are State and local representatives who are being invited to the workshops.

Also, in regards to the State strategy, which is a necessary prerequisite to the application for funds, we are attempting to take those State strategies that already exist and point out to the various State and local governments provisions that are working and the programs that seem to be designed to meet those needs.

The next step that will happen, and that really has not happened yet will be the actual receipt and application for funds.

As of today, we have not received any applications for the actual release of funds. We expect that those will come in shortly after the guidelines are, in fact, put in place.

One thing that we have done, and we are doing to help States with the application process, is develop programming briefs. We are establishing, through the data base that we're collecting, certain programs that appear to be effective, that appear to be proven in the drug enforcement area of State and local governments.

To speed along the application process, if the State or local government, or entity, that's receiving the funds is willing to incorporate that program entirely as written into its application process, it will significantly speed along the processing of the application.

They will simply be able to refer to that program in their application.

Given that timeframe, we expect that the first awards of the funds, themselves, will occur probably in June. I might note that that is the projection of the Bureau of Justice Assistance. And given their earlier projections about how quickly the program can be implemented, that seems to be on line, in terms of their projections as to when the administrative funds would go out, how quickly they can brief the States. They've been accurate in that.

The one thing I might mention that we're also doing in terms of helping the States to implement the Block Programs deals with the requirement that they be able to come up with the matching funds.

We have gone to the States and, through the Law Enforcement Coordinating Committees, the local governments, and emphasized to them that the share in assets, under the Forfeited Assets Program, can, in fact, be used to match their funds under a block grant.

We believe that this will help to give them the seed money they need to be able to take advantage of those grants.

Briefly, I'd like to touch on the discretionary grants because those are another aspect of the program, the remaining funds under the program that can be awarded discretionary.

We have obtained input from over 800 agencies, State and local agencies, with respect to the types of programs within the seven categories that are available that need to be addressed by those funds. We have also coordinated, through our Law Enforcement Coordinating Committees, with the State and Federal authorities as well as the Federal authorities and the law enforcement authorities within the Department of Justice, and the other enforcement agencies.

The Bureau of Justice Assistance has established a Policy Board whose function and direction will be to establish the particular programs under the Discretionary Grant category that can be used to—that will be accepted. We expect, within the next couple of weeks, we will have a set of draft guidelines established in the program priorities under the Discretionary Grant Program.

They will be submitted for comment. And we can then finalize those program priorities. The announcements will then be placed in the Federal Register as well as distributed through the Bureau of Justice Assistance mail list.

We believe that those programs will probably be going into effect after the Block Grant Programs are started, again, after March. Part of the reason is because we want to make sure that we're not duplicating in the Discretionary Grants what's already being done by the States under Block Grants.

Again, the idea is we want to supplement and we want to be able to make sure that we're moving in new directions.

That brings me then, Mr. Chairman, to the question that I think you're most interested in, and that is what is our thinking with respect to the future and the program that's already been established.

I have to start by saying that one of the things we recognize in the Department of Justice, with respect to the State and Local Assistance Program, is that there are a finite number of Federal resources. That is a fact of life we have to live with.

The fact is that with this Administration, we do have little——

Chairman RANGEL. Mr. Landers, it will help us all if we try not to lecture you and you try not to lecture us about the fact that there's not unlimited sources of money.

With the responsibility that we have in the budget, we know clearly the limitations we have on spending.

Mr. LANDERS. I understand, Mr. Chairman. The point I'm making is I think when we look at what we have to direct at the Federal Drug Program enforcement, the decision that we have made is that we, first of all, that the Federal moneys that are there for drug enforcement, the Federal moneys have to go directly to the Federal programs and those policies and programs which can best be carried out by the Federal Government.

Chairman RANGEL. Mr. Landers, perhaps if I could just outline the framework in which we would want a response to is that first I hope that you're able to share with us your awareness, as a Federal law official, of the amount of drugs we expect to come in the United States.

Let me ask you first, do you believe that anytime in the foreseeable future there will be a reduction in the production of drugs in Central and South America and in the Middle or Far East?

Mr. LANDERS. From what I've heard, I don't believe we have the information which says that there is going to be.

Chairman RANGEL. Do you believe that there's any reason at all to believe that there would be a reduction in the amount of drugs that will be coming in to the United States?

Mr. LANDERS. In terms of absolute numbers, no, Mr. Chairman.

Chairman RANGEL. Do you believe that the Federal law officials, no matter what their activities, no matter how successful they are, that as a result of that in 1986, 1987, and 1988 that that would have any substantial effect at all, the 3,000 drug enforcement agents, in the reduction of drugs that will be available to American citizens?

Mr. LANDERS. I think that in terms of the slowing of flow, that we're going to make inroads there.

Chairman RANGEL. Oh. Slowing the flow. I am saying the substantial reductions in the amount that's available, do you think that 3,000 Federal agents will be able to make a substantial impact?

Mr. LANDERS. They will be able to make an impact. Honestly, Mr. Chairman, I can't personally assess——

Chairman RANGEL. Then would you agree with me that when it comes to law enforcement, that the United States of America is depending on its local and State law enforcement officials in order to curtail drug trafficking in this country?

Mr. LANDERS. They are certainly an important part——

Chairman RANGEL. No, no, no, no, no. It's not an important part. We have more Capitol Policemen than we've got drug enforcement agents. So I don't want you to say it's an important part. I want you, as a law enforcement official, to tell me just how important you think local and State law enforcement officials are.

Mr. LANDERS. They're extremely important, Mr. Chairman. What I started to say is we have a partnership with them. We believe that they're——

Chairman RANGEL. It's a silent partnership. Please, Mr. Landers. The role that the Federal Government plays, you know, close to 100 percent of the arrests that are made are made by local and State. It's only a small percentage of the arrests that are made by the Federal Government.

Mr. LANDERS. Mr. Chairman, that's what we think. What we're addressing at the Federal level is the problem that can be addressed most effectively at the Federal level, the large importations, the multi-State distributions, and we agree——

Chairman RANGEL. I don't have any problem with you in trying to get you to concentrate the limited Federal dollars to deal with what the Federal Government does best. No problem.

I'm trying to get you to admit to me that when it comes to law enforcement, when it comes to investigations, when it comes to arrests, when it comes to having trials and putting people in jail, can't you admit that over 99 percent of these law enforcement activities are local and State?

Mr. LANDERS. They're absolutely critical. There's no questions about it, Mr. Chairman.

Chairman RANGEL. Well, you're finding difficulty in admitting, whether they're critical or not, that's where the arrests are taking place.

Now my question is if we're dealing with an international drug problem, and you've admitted that our State Department says the problem is worsening, if you agree that our borders are a sieve, that is what Commissioner of Customs, Ron Robbins has said, if you agree that we don't want a Federal Police Force and we're restricted to an all-time high of 3,000 drug enforcement agents, then you have to agree that the major force that needs help is local and State law enforcement.

We're talking about a national and international problem. And if you can stay with us up to that point, tell me what problem you have with Federal funds being made available to assist local and State law officials in dealing with a Federal problem.

Mr. LANDERS. I don't think that if there were unlimited resources we would have any problem, Mr. Chairman.

Chairman RANGEL. Where do you have the prerogative to deal with the limitation of resources? Does not your Congress have some responsibility to determine priorities?

Mr. LANDERS. I think, Mr. Chairman that the budget question is a joint responsibility of both the Executive and the Legislature.

Chairman RANGEL. Well, when the Congress spoke, did not our President agree with us?

Mr. LANDERS. With respect to the appropriation of funds in 1987? Yes.

Chairman RANGEL. To the entire—I mean, I don't know whether you were there. Were you there when the President and Mrs. Reagan went through the ceremony of signing this bill?

Mr. LANDERS. No, I was not, Mr. Chairman.

Chairman RANGEL. Did they share with you the statements he made in terms of, "This is the war. This is the volley that we're going to have a hand on"?

Mr. LANDERS. Yes, Mr. Cbairman.

Chairman RANGEL. Did he support the initiatives taken by local and State governments to send a signal that the Federal Government was standing 100 percent behind them?

Mr. LANDERS. He certainly did, Mr. Chairman.

Chairman RANGEL. And if, indeed, there is a priority, which the State Department has set in terms of the situation worsening, is it safe to say that OMB's decision is entirely unrelated to the Attorney General's commitment to this fight?

Mr. LANDERS. I'm sorry. I'm not sure I understand your question, Mr. Chairman.

Chairman RANGEL. Well, you know, my Republican friends keep telling me that OMB has made this decision. Now, I don't understand that. But they say it's OMB, it's not the President, it's not the Attorney General; it's OMB.

You're not telling me that. You are saying that the President made the decision to wipe out, eliminate, $225 million for local and State, aren't you?

Mr. Landers, Well, Mr. Chairman, the President's budget has been submitted.

Chairman RANGEL. And you're saying that after the President had read the budget and understood the budget, and after he signed the law, he reconsidered and, in dealing with the national priorities, that the President decided to eliminate the assistance for local and State governments.

Mr. LANDERS. Mr. Chairman, I can't speak directly for the President. I do know that the budget that has been submitted eliminates the $225 million for the next fiscal year.

Chairman RANGEL. The President approved the elimination of it.

Mr. LANDERS. In terms of submitting the budget, yes.

Mr. Chairman, if I might, as I tried to explain, one of the reasons I think we have to look at the reasons why we have submitted the budget in the fashion that we have. Our position has been that we have viewed that money, the initially $225 million, as seed money; money that can be given to the States to move them along.

In fashioning the budget, we look at the fact that at this point in this fiscal year, where we're 4 months, 5 months into the year, we're still at the process of trying to get those first-year fundings out.

Realistically, in looking at how fast the money can be absorbed, there is reason to say that we——

Chairman RANGEL. Now, Mr. Landers, you use terms like "realistically." That my response is not going to be realistic. But long before we had this bill, local and State governments had the responsibility and were paying for it.

You know, this is not an initiative for them to investigate, arrest people, and put them in jail. They've been doing this.

Mr. LANDERS. I understand that, Mr. Chairman.

Chairman RANGEL. Do you know that people are not arrested because sheriffs believe that they don't have enough money to try them in drugs?

Mr. LANDERS. I understand, Mr. Chairman. But the point is that in this bill, as it was crafted, it specifically requires that the States use these funds to supplement, to add to. They can't use it to displace current funds.

And the point is——

Chairman RANGEL. You don't even know what they're going to supplement. You don't even know what the programs are. You haven't had a chance to receive or study them. And yet Mr. Miller and the President have decided they don't need any for 1988.

Mr. LANDERS. Mr. Chairman, that's what we're saying. What we need to do is to see what happens with this money to begin with.

The second thing we're doing, in terms of helping the State and locals, is the drastic Forfeiture Program. We're giving those——

Chairman RANGEL. Let me tell you, Mr. Landers, I don't want any of my questions to you to be taken personally. But the Attorney General has an obligation to the country and to this Congress to come and try to give us some better answers than that.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Landers, we welcome you before us. Mr. Chairman, I want to commend the Committee for pursuing the oversight areas in an ex-

peditious manner. We certainly have an obligation now to make certain that the Drug Abuse Act of 1986 is properly implemented, and implemented in an expeditious manner.

Too many of our local governments are crying out there for help. And I'm pleased to make certain that the information and the funds are going to be allocated in a speedy manner.

I would like to question you with regard to some of the items.

First of all, why is there a $47 million figure being withheld? Is that part of the discretionary fund? You're saying in your statement that $178 million is going to be made available to the States. And $47 million is withheld, is that the discretionary fund?

Mr. LANDERS. That's the discretionary fund.

Mr. GILMAN. How will that be allocated?

Mr. LANDERS. That would be allocated——

[Simultaneous conversation.]

Mr. GILMAN. When will you have those guidelines, just roughly?

Mr. LANDERS. Those should be ready probably at the beginning of——

Mr. GILMAN. Do municipalities and local governments realize that there's another 20 percent of discretionary funds out there?

Mr. LANDERS. Yes. It's part of the—letters are being sent to Governors and to State agencies, and also we solicited agencies' input as to where the discretionary funds should be made.

Mr. GILMAN. Then we have a total, then, of $225 million plus 25 percent that the States have to come up with. Is that right?

Mr. LANDERS. That's correct.

Mr. GILMAN. So we're talking a little bit over $300 million available this coming year. Is that correct?

Mr. LANDERS. Yes.

Mr. GILMAN. Did Justice make a recommendation for any additional funding to OMB or to the Executive Branch? Did the Justice Department make any recommendations for an increase in assistance to local governments?

Mr. LANDERS. No. Not for the State and local Law Enforcement agencies.

Mr. GILMAN. In other words, Justice felt that this was sufficient funds to take care of local government needs?

Mr. LANDERS. Yes.

Mr. GILMAN. Are you convinced that that's appropriate?

Mr. LANDERS. Well, I think with respect to what we're trying to do, which is to move the States into certain programs and directions, give them the startup money so they can use these funds to enhance their efforts and then at the same time provide for other ways, for example the Assets Forfeiture Funding, give them additional funds to move them in that direction.

We have viewed the program principally as something to get the states moving, to get them the options to get started. And once they can identify it, the programs in the law enforcement field, they can then use their own funds, they can use their forfeited assets to keep those programs going.

But one of the things that we view is that that money that goes out initially can be spent over a multiple year period. There's nothing that says it has to be spent all in one year.

And with careful planning, the states can use their own funds.

Mr. GILMAN. I thought you just testified that this was a very small sum, a minimal sum, that you're spreading around the entire Nation. Yet you're saying that—now you're saying that it can be used over a 3-year period.

With such a small amount out there, how do you anticipate that it can be spread out over a 3-year period?

Mr. LANDERS. The point is that in terms of using it they can plan to phase out the federal and bring in their own revenues, or use the Federal Forfeited Asset Sharing to supplement the program. It's something to get them started in a transition to move them.

Mr. GILMAN. But, Mr. Landers, this Committee is taking testimony around the country and it has found that in one municipality after another, one law enforcement agency after another appeals to us that they don't have the resources to do what they know they have to do. And they are asking for federal assistance.

Now you are saying get them started and then just let it phase out and let them takeover the financial responsibility. It seems to me that in doing that, we're turning deaf ears to the enforcement community.

Mr. LANDERS. One of the things, the programs that we've been trying to enhance, in fact we would urge the States to use the greater seizure and forfeiture of assets——

Mr. GILMAN. Well, let's talk about that a minute. How much was there in seizure and forfeiture assets last year in our nation? How much did we gain by seizure and forfeiture of assets? What was the bottom line?

Mr. LANDERS. I don't know the total. I do know we shared $28 million with the State and local governments in terms of the shared assets returned to them.

Mr. GILMAN. $28 million over 50 States is a pretty fair sum, a pretty small sum to expect the States to take up the void that you say when we phase out these programs.

Mr. LANDERS. One of the things that we've been doing in these programs specifically is to get them started in the forfeiture area, themselves. One of the areas that will be funded under both the Block and Discretionary Grants will be programs that will train the States, both their law enforcement personnel, their court personnel, their litigators, on how to go after the forfeited assets so that they won't even have to rely on a sharing of assets.

So they will be able to establish their own programs.

Mr. GILMAN. What do you anticipate if all the States came up to speed on forfeiture that they could inure to their benefit? The Federal Government, with all of its capabilities, is only bringing in some $28 million nationally.

How much do you anticipate the States could add to all of that?

Mr. LANDERS. I don't know. The $28 million, however, is simply that portion where we shared it back with the States where there was a cooperative service between the Federal Government and the States.

Mr. GILMAN. Well, what is your total? Give us your total amount?

Mr. LANDERS. Again, I don't know that figure.

Mr. GILMAN. Is it much more substantial than the $28 miilion?

Mr. LANDERS. Yes, it is.

Mr. GILMAN. Can you give us some estimate of how much it is?

Mr. LANDERS. I don't know. I'd be happy to find out.

Mr. GILMAN. Is the gentleman behind you providing the information and would he identify himself, please?

Chairman RANGEL. Mr. Copeland, please feel comfortable in sitting next to Mr. Landers.

Mr. GILMAN. Mr. Copeland, what is the total sum of forfeited assets?

Mr. COPELAND. My recollection, Mr. Gilman, is that approximately $500 million in property was seized by Federal officials of the Department of Justice in fiscal year 1986.

Mr. GILMAN. And how was that disbursed? You said $500 million was received.

Mr. COPELAND. Was seized.

Mr. GILMAN. How much was forfeited?

Mr. COPELAND. The forfeiture figures, of course, are not that high. The forfeiture figures, I don't have those numbers. I know that approximately $100 million was netted into the forfeiture fund after we had paid off, for example, innocent lien holders, cost of warehousing, cost of auctioneers, and so forth.

Mr. GILMAN. How did we disburse $100 million?

Mr. COPELAND. How did we disburse $100 million?

Mr. GILMAN. How was it allocated?

Mr. COPELAND. Well, as Mr. Landers pointed out, approximately $28 million was shared with State and local authorities. The balance is retained in the forfeiture fund.

Let me make a note on that as well. We've been talking about forfeiture for a long time. 1986 was the first full fiscal year of operations under the 1984 Forfeiture Law. So we are really in the infancy in this forfeiture area. in fiscal year 1986, we expect this to grow dramatically in the years ahead.

Chairman RANGEL. Would you please yield to the Chairman?

You know, with all due respect, if you're talking about a program in its infancy, then it's just not fair to say this is a substitute for Congressional mandated programs. Now, do what you want in its infancy. Do the best you can.

Come back and we'll laud you for it. But it's just not fair, when we have allocated $225 million, to tell us that you have a program in its infancy and you hope that that would be a substitute.

Mr. COPELAND. I don't think we're saying that that is entirely substituted. It's another source, a significant source——

Chairman RANGEL. We know about the source. You don't even know how much money it is. You don't know what you're talking about. You're talking about some projection for the future. We're talking about 1988.

Mr. GILMAN. Is it Mr. Coleman?

Mr. COPELAND. My name is Cary Copeland.

Mr. GILMAN. What is your title, Mr. Copeland?

Mr. COPELAND. I'm an attorney in the Office of Legislature Affairs, Mr. Gilman.

Mr. GILMAN. Mr. Copeland, do you anticipate that there will be a substantial increase in forfeiture assets next year to the States?

Mr. COPELAND. Yes, sir.

Mr. GILMAN. How much would you project that to be? Just a rough estimate. We're not going to hold you to it.

Mr. COPELAND. The amount of sharing with State and local authorities?

Mr. GILMAN. Yes. Out of forfeiture assets. What do you project?

Mr. COPELAND. I figure it's not unreasonable to suspect that we might be in the range of $40 to $50 million in fiscal year 1987. In fiscal year 1988 I think it will be more than that.

Mr. GILMAN. For the States? So roughly, if we were to do it proportionate to each State, not considering need, it's no more than $2 million for each State. Isn't that what we're talking about, Mr. Landers?

Mr. LANDERS. If it's simply distributed back on a number of State basis. I think the point is, what we're saying, that in terms of why we believe that there are other resources in States, I don't think we're saying that this is a full substitute for what's——

Mr. GILMAN. We don't consider this to be a substitute.

Mr. LANDERS. But the point is there is an available resource. And this is one of the things that we've been trying to do both at the Federal level and getting the States to do which is basically fund the drug war by using the assets of the drug dealers——

Mr. SCHEUER. Will the gentleman yield?

Mr. GILMAN. I will yield in just a moment to the gentleman.

In your testimony, on page 6 you state, "We believe the equitable sharing of assets seized from drug dealers and others and forfeited by them is a better way for the Federal Government to assist the States and localities." And we're talking about a small $2 million sum if we were to take it State by State and divide it proportionately.

That's a pretty minimal sum, isn't it?

Mr. LANDERS. But at the same time, the fact is that the States, if they use the forfeiture aspect, can increase that amount. The reason we say it's a better program is we believe it's a way to fund this war without a cost to the taxpayers.

If we aggressively take the assets away from the drug dealers and use them to fund our enforcement effort, we're using the drug dealers' own money for the funds.

Mr. GILMAN. But it's obvious, Mr. Landers, that it's insufficient.

I'd be pleased to yield to the gentleman.

Mr. SCHEUER. Thank you. I appreciate the gentleman yielding.

I don't understand, a little bit, how you juxtaposed what the OMB, whom you blame this upon, against this program. You cut about half of the available funds from out of the program. You're going to substitute some of that by asset forfeiture.

What you're talking about here is a State like Florida which had the Assets of Forfeiture Program that I helped write much better than this one right now, and they're making more than the money that you're cutting out from them in the program under the cuts that OMB has proposed.

So you can take your Asset Forfeiture Program and stick it, as far as we're concerned. Give us back the money that was supposed to be given to us under the bill that this Congress authorized and the President of the United States approved just 4 months ago.

How do you come to the conclusion that by giving us some semblance of a program that's going to replace some of the money that's cut, you've made some of these program even out, carrying out what is the Congressional mandate and the Presidential mandate?

This is why none of us understand. We don't want your money on asset forfeiture. Just replace the other money and use the asset forfeiture to replace the dollars that you're paying out for yourselves. You know why? Florida comes out a heck of a lot better, and so will a lot of other States, because they're doing a good job already.

Mr. GILMAN. Mr. Landers, just one other question. My time has gone here.

I know you say you have three regional workshops. Why aren't we doing something in the Northeast, one of the heaviest metropolitan regions in the country? Is there some reason why you can't do a regional workshop there to make it available?

Mr. LANDERS. What we tried to do is select three locations. One of the things that——

Mr. GILMAN. Why are they limited to three under a major program like this?

Mr. LANDERS. What we tried to do to keep the timeframe going is to get free so that we could do relatively short order—we can provide funds for any municipality or government office. We can advance those funds.

Mr. GILMAN. Wouldn't it be less costly to bring your regional workshop up into the metropolitan area rather than have these people travel from Washington to Chicago?

I would urge the Department to consider a regional workshop in the Northeast and possibly one down in the southern area so that you can save some of the cost and get the information out.

What we're trying to do is provide the nation with proper information. Let's not make it more difficult. Let's make it easier for local governments to get the information they need to become part of this program.

Thank you, Mr. Chairman.

[The opening statement of Mr. Gilman appears on p. 60.]

Chairman RANGEL. Mr. Scheuer, did you have a unanimous consent to voice?

Mr. SCHEUER. Yes, Mr. Chairman. I've been very frustrated in listening to this witness. I respect him. I'm sure he's a sincere, decent human being. He's been placed in an impossible position. He's speaking for an Administration and for an Attorney General where he has no access to the Attorney General.

His boss does, Mr. Trott, but he doesn't. And he doesn't pretend to. He made that clear. I don't think he is an appropriate witness to come before this Committee as a representative of the Attorney General. And I'm not going to ask him any questions.

I don't think it's fair to him. I respect his sincerity. I don't think it's fair to this Committee. So I'm going to hold my questions until such time as we have the Attorney General here.

This is a classic case, Mr. Chairman, of the theory that you can lead a horse to water but you can't make him drink. The Congress

passed a first-class piece of legislation on a bipartisan, bicameral basis. We can give it sensible funding.

And if the Administration wants to trash it, there's very little that we can do to force them to administer all laws in an effective way. We've had an ample demonstration of that theory in the last 20 minutes or so.

Now we have the distinguished Mayor of the City of New York here. I would suggest, and I would ask unanimous consent, that we ask Mr. Landers and his associate to step aside temporarily, hold themselves in readiness, let the Mayor of the City of New York, who has a very crowded schedule, testify.

At the end of his testimony and after we have had a chance to ask him some questions, and perhaps ask the Mayor of Charleston too, when we're finished with those mayors then, for those members who feel it's appropriate to ask Mr. Landers some further questions——

Chairman RANGEL. Mr. Landers, could you accommodate us with this?

Is there any objection?

[No response.]

Chairman RANGEL. The Chair hearing none, let me make it clear, Mr. Landers, that we appreciate what you're trying to do to help us. And we will get back to some questions.

Thank you very much. And thank you, Mr. Copeland.

[The statement of Mr. Landers appears on p. 64.]

Chairman RANGEL. The Chair will then call its next distinguished panel, the Honorable Joseph P. Riley, Jr., Mayor of Charleston, South Carolina and President of the United States Conference of Mayors; and my mayor, the Honorable Edward I. Koch, Mayor of the City of New York.

We welcome you and thank you for your patience. I would first want to publicly state that in my humble opinion, the Congress would not have been successful, at least in the House, of passing the Anti-Drug Abuse Act of 1986 had it not been for the leadership that you two gentlemen provided, not just in our Nation's Capital, but in our great cities, small and large around the country.

You did not pass resolutions which we're so used to. But instead of that, you responded in the great political tradition in educating and lobbying and in supporting and in strengthening members of Congress to such an extent that I doubt whether we have 15 votes against this piece of legislation.

Your Federal Government apologizes to you for any impression that's given that we've just done this during an election day period. We apologize if you've geared up your schools and your police forces, and your court systems in believing that your Federal Government made a commitment, and that we would not cut and run because we have a responsibility to meet our budgetary obligations.

Benjamin Gilman and I, and other members, have testified in front of the Budget Committee. We've talked to the Majority leaders, the Minority leaders, the speakers. We've talked with Democrats and Republicans in the Senate.

And we're prepared to state that your legislative people in the Congress are not going to let you down, notwithstanding what

we're going through. We still are going to need the same type of help that you've given us in the past, now and in the future.

But we're not going to let you down.

Mr. Gilman.

Mr. GILMAN. I have no comments. I look forward to hearing from both of our good representatives of the Mayors' Conference, and want to commend them for their efforts in the past.

Chairman RANGEL. And I'm glad to see that Kevin Frawley is with us and thank him for the coordinating job that he's done, not only for the City, but the assistance that he has been able to give our national effort.

Now, how would you gentlemen like to proceed?

The Honorable Joseph P. Riley. Mr. President.

TESTIMONY BY THE HONORABLE JOSEPH P. RILEY, JR., MAYOR OF CHARLESTON; PRESIDENT, UNITED STATES CONFERENCE OF MAYORS

Mr. RILEY. Mr. Chairman, Ranking Member Gilman, Members of the Committee, thank you very much for this opportunity to be with you. Thank you very much for the extraordinary leadership that you gave our country this past year that resulted in the enormous legislative accomplishment which we will be discussing today.

I would ask that my prepared remarks be accepted for the record and that you allow me to outline them briefly this morning.

Chairman RANGEL. Without objection.

Mr. RILEY. "All you need to do is," is a favorite term in this pushbutton, turn the switch society of ours. "All you need to do is." When that phrase is used to me in addressing a serious problem that is on my desk in City Hall in Charleston, South Carolina, I stop listening.

A serious problem that gets to me, if it's serious enough to get there, can't be solved with a "push the button," "turn the switch" approach. A comprehensive addressment is necessary.

The war on drugs was not won on November 4, 1986. Rather, the first shot was fired. The Anti-Drug Abuse Act of 1986 was not the end-all of our war on drugs; it was the beginning, a great beginning. Or as the Chairman has said, it was a down payment.

For the first time, our National Government made a national commitment to combat the problem of illegal drugs that is overtaking our country by strengthening interdiction efforts, stiffening penalties, aiding State and local governments' law enforcement, education, and treatment efforts—and approaching from both sides, supply and demand, the problem of drugs.

Last year, we welcomed that partnership because we see the problems of drugs firsthand, we see through the eyes of our young people becoming addicted; we see through their families; we see through the tragic problem of drugs in our schools; we see through the fact that crime in our cities—in many cities throughout our country—is increasing because it is drug related; and we see the horrible spectre of crack, the atom bomb, if you will, of the drug culture.

We knew that only with a comprehensive partnership, national and local efforts, could we rid our cities and could we rid our Nation of this horrible plague of illicit drugs.

Our mayors have not only worked with you in supporting the passage of the legislation; we've been working on other fronts as well.

On November 18 of last year, 500 cities in the 50 States, the District of Columbia and Puerto Rico, 500 cities sponsored the Mayors' D-Day activities against drugs in their communities.

With city council meetings, community meetings, prayer sessions, programs in the schools, new approaches involving people from all walks of life in our communities throughout our country, the cities marked a new beginning.

And last year through our Mayors' Clearinghouse on Drugs we published an annotated listing of city drug control efforts. We got information on programs from cities throughout our country—the various efforts that cities are making—and shared those with all of the cities of our country.

This month, we will be sponsoring meetings across the United States for mayors and police chiefs to be better equipped to fight this battle.

We are very concerned, terribly concerned, that the partnership that we welcomed last October is being dissolved through the President's budget. One of the chief partners is seeking to withdraw. The state and local Law Enforcement Assistance monies are being eliminated. No new money for treatment; education funds cut in half; money for Customs being reduced. Just as we were getting going, one of our partners sent the message that they wanted to pull out.

This sent a strong signal to our country that the war on drugs was an election year ploy, and sent a strong message to the criminals, and to the drug dealers that they could breathe a sigh of relief our country really wasn't serious; they could get back to work, they could spring back into action, and they could continue the very lucrative trade of seducing the people of our country and our young people to the plague of drugs.

We know that's not the case with the Congress. We certainly know that's not the case with this Select Committee whose leadership, as I've said, has been critical. We know that you're still an ally and we will work with you to see that that partnership is not dissolved but is strengthened.

I would like to make two points as you review the legislation and this year's proposed budget.

First of all, we encourage you to support funding for law enforcement at the level of $625 million which is the level that you originally recommended, and the level that The Conference of Mayors supported when the Chairman spoke to us at our annual meeting in San Juan last June.

With all of the law enforcement needs that we have in the cities throughout our country, and the broad area of law enforcement, prosecution, corrections, that the program address one could argue much more than $625 million is necessary. But we think that at least that is a realistic figure and we would urge that, level for the program.

The cost to cities are substantial in terms of our law enforcement priorities in dealing with the problem of drugs. It's not just our narc units. Every element of our police—juveniles, burglary, larceny, our task forces—every element of our Police Department is involved in fighting drugs.

There's a clear relationship between drugs and youth crimes, between drugs and all types of crimes that we fight in our cities. The drug threat to the urban life of our Nation is severe. We need the partnership, and we need the funding at $625 million.

We can't, in Charleston; we can't, in New York; we can't, in the cities throughout our country stop the drugs from coming into the United States of America. That's a Federal responsibility. And if our National Government can't do that, can't stop the drugs from coming into our cities in huge amounts as they are now, then certainly we deserve our National Government's support to assist us in combating the problem.

Secondly, it is 5 months now after the Bill was enacted. To our knowledge, not a dollar, not a penny has reached any city in our country pursuant to the legislation that you passed. And we are likely not to have the degree of sayso that we should.

It is a decisionmaking process. The Governors and the legislatures have the authority to make many of these decisions. State plans are being developed. We need to have some of this money go directly to our cities where the mayors and city councils are ready to spring programs into action, as you envisioned when the legislation was passed.

In conclusion, in the running jargon of the time, we're not involved in a dash, or an 880, or a mile run. This war on drugs is a marathon, and just as a marathon runner, as he approaches, or she approaches, the 26-mile effort, sets a pace and then commits to maintain that pace for a long period of time, so does our National Government need to make a commitment and to have the resolve to keep that commitment for a long period of time.

This is a 5, this is a 10, this is a 15-year effort to win this war on drugs. And that's what it's going to take. It's not an election year kind of effort. It requires a sticktuitiveness that is the hallmark of this country. To eradicate the horrible plague of drugs in our cities—in the United States of America—a long range comprehensive effort must be our game plan.

Mr. Chairman, thank you very much.

Chairman RANGEL. Thank you, President Riley.

[The statement of Mr. Riley appears on p. 74.]

Chairman RANGEL. And it's a great pleasure to invite up Mayor Koch. Thank you for your leadership that you've provided, not only in our city and State, but certainly throughout the nation in mobilizing the forces to make this meager bill possible.

TESTIMONY OF THE HONORABLE EDWARD I. KOCH, MAYOR OF THE CITY OF NEW YORK

Mr. KOCH. Thank you, Mr. Chairman. What I would like to do is that which Mr. Riley has done, and that is to file my full statement and to make some comments. And then, of course, to take your questions.

Chairman RANGEL. Without objection.

Mr. KOCH. I want to also say, as Joe did, how much we appreciate what you, as Chairman and the Ranking Member, and other members of the Committee did last year in going around the country and taking testimony that ultimately brought a victory, not the victory that you wanted or that we wanted, a rather truncated victory as it relates to the moneys.

But at least a major step forward. And you did it. We were happy to be soldiers in your army and we're soldiers in your army now. And we're going to go around the country again, and we're going to take on the President on this issue.

Now, I say this with a certain amount of jocularity but with a certain amount of forcefulness as well as it relates to its being particularly apropos.

The President, understandably maybe, can forget what he said about Iran and arms. We don't understand it but he forgot. Okay. I'll leave that to somebody else to look into.

He cannot forget what he said about drugs because we have the dates and we have the exact comments. And I'd like to read them. It was me who lead the clarion call on at least three different occasions. And, I must say, Mrs. Reagan said comparable things to their great credit.

But I want to remind them. This is what the President said on April 8 of last year when he took the unprecedented step of proclaiming international drug trafficking a threat to our national security. And then 5 months later, on September 14, in a nationally televised address, he delivered the ominous warning:

> Drugs are menacing our society. They're threatening our values and undercutting our institutions. They're killing our children.

And then on October 27, when signing the Anti-Drug Abuse Act of 1986 into law, the President was equally uncompromising in tone, and he said at that time:

> The American people want their government to get tough and to go on the offensive. And that's exactly what we intend, with even more ferocity than before.

Then he went on to say:

> Our goal in this crusade is nothing less than a drug-free generation.

He must have been talking about soda pop.

> America's young people deserve our best effort to make that dream come true. We must be intolerant of drug use and drug sellers.

That is what he said. And then he called the new law "a major victory" in the war against drugs, and he praised as "real champions" those members of both parties who pushed for its passage.

It was a fraud if he knew then what he was going to do now. Maybe he forgot. We want to remind him.

I want to talk about what it is that he's actually doing. This money, and you led the fight to ask not for the $225 million that he wants to eliminate, but for the $625 million which his Administration declined to provide, and we settled for less. And now he wants to remove the settlement.

The purposes for that money, which were authorized, are the very life blood of State and local drug law enforcement. More police, prosecutors, judges, crime laboratories, correctional facili-

ties, drug eradication efforts, treatment programs and initiatives against major drug offenders. That's what the $225 million is for.

There are other moneys that he wants to take away as they relate to education and treatment, and that is for another committee to be taking testimony on. But he wants to gut that as well as to gut this.

As Joe said, we no longer want to settle for the $225 million which he wants to take away. We shouldn't have settled then but we trusted him. Our trust was misplaced.

So I support what President Riley, of our Mayors group, has suggested. And that is that we move forward for the $625 million.

But I want to tell you that there is more to be said about the effects of not moving forward. You know, everybody's upset about AIDS, as we should be. And we have to do a lot about that. But the fastest growing sector of our society contracting AIDS are intravenous drug users.

So it isn't simply a question now of drug addicts and their coping or not coping, and their copping out of our society, and all of the other aspects that go with it which are horrendous, but you also have the impact of AIDS because women are now passing on AIDS which they receive from their sexual mates who are I.V. drug users, or they, themselves, get AIDS as a result of I.V. drug use and they pass it on to their children.

That's an additional, horrendous reason why we have to do more than what we're doing.

And then you have to look at some of the statistics which I believe are, likewise, somewhat ho rendous. And that relates to the percentages of criminals who have drugs in their system. These, I think, are really earth-shattering.

In 1984, 56 percent of—well, let me go back. In 1984, a study of drug use among arrestees was conducted in the Manhattan Central Booking facility. The study was based on analysis of voluntarily provided urine samples. The study was repeated last year.

The comparative results are sadly revealing. While in 1984, 56 percent of those sampled tested positive for any of four selected drug categories, the number rose to 86 percent for the months of September and October of 1986.

The incidence of cocaine presence virtually doubled for the same comparative period, rising from 42 percent in 1984, to 83 percent in September and October of 1986.

Now, aside from the failures of the Administration with respect to money in this legislation, let me give you a couple of other failures which bear upon this. Because of your hard work and because we were unable to get the Bennett Amendment which would really put the military into the area of interdiction, we settled for less.

I have come to the conclusion we shouldn't settle with this Administration on anything because they don't keep their word. So, therefore, we should go for the whole thing next time because what it is that we want is to deal with the problem in a massive way because it's an overwhelming problem.

But let me tell you what they did. As a result of settling for less, instead of having military interdiction, we settled for the Coast Guard being increased. And we put the Coast Guard onto ships. And we settled for 500 additional Coast Guard people.

This week, I believe it was, on Monday of this week, the Coast Guard said that they're not going to hire more than 298 of the 500 that had been authorized. And they had hired those very slowly.

So they, in violation of their mandate, have said, "We're not going to do it." We don't even think the 500 are adequate. We think that the whole Navy ought to be involved in interdiction. But we settled for the 500 Coast Guardsmen. They have violated that aspect and we've been in touch with Senator Sam Nunn in a letter to him outlining that that would be filed by me with your Committee.

And then there is another thing that the Administration is doing and almost in sort of violation of what it is that you wanted them to do. You have a provision which requires a strengthening of our reduction of aiding countries that don't take the measured steps necessary to interdict the drugs in their own area.

So what has the Administration done when they just issued a report that the countries that are not doing this are Iran, Afghanistan, and Syria—the three countries that we don't give a nickel to.

So it's easy to pick them out. How about all those countries that we're providing military and economic aid to? They are not mentioned.

Then, finally—and then I will conclude—in that same legislation, there was a requirement that the military provide a report on what it is that they thought military interdiction methods could or couldn't do. In other words, to assess for the Congress the arguments because we were always placed in the position that Secretary Weinberger and the Administration would say that the military shouldn't be given this mission.

And then, finally, you said, "Well why? Why not?" And they were supposed to give a report. So they filed a confidential report. The public won't know.

I would hope that you would demand of them that they provide a public report as to why are they running away from their responsibility. Thank you.

[The statement of Mr. Kcch appears on p. 80.]

Chairman RANGEL. Let me thank you. I assume that both of you—first of all, let me say that our Committee and our staff are prepared to give you whatever assistance that you need in getting information out to the Conference of Mayors.

Mr. RILEY. Thank you.

Chairman RANGEL. Second, this is truly mind-boggling, not only in terms of the State Department failing to provide sanctions, but the report indicates that no matter how many millions of dollars that we've been pumping into these countries, that even if you're kind enough to say that the program was not a complete failure, and that's being very kind and generous, it's that they admit that bumper crops are occurring throughout every drug-producing country.

If we can't protect our borders, then we don't want a national police force, and we're not going to have one anyway. I just can't see, in God's heaven, why those people who have been hurdled on the front lines are not given a helping hand.

And like I've said, we are reintroducing our legislation, asking for the spending levels that we had demanded earlier. We had

hoped that this would be a partnership where the Federal Government would not have to admit failure, but reinforce the partnership.

And we also will be implementing bringing in local governments into this decisionmaking process. But I can't thank you two enough and to assure you that we will be having oversight in all of these areas.

I'd just like to point out that I challenge anybody to tell me when last have they heard the Secretary of State speak out on this issue in 6 years. And you're talking about sanctions. We're just talking about—I see him almost as much as I see you on television, on Sunday mornings.

I just don't know why drugs seem to be incompatible when diplomats and secretaries, and not just him, all the previous secretaries, it's not on their agenda.

Caspar Weinberger is a committed anti-Communist and a patriot. And I just can't believe that if we had a Communist on every plane that was bringing drugs into the United States, old Caspar would be out there. [Laughter.]

You know, one way or the other. But yet, if the President says it's a threat to our national security, I would expect the person that has to protect my borders and airspace to have something to say about it.

I have no problem with Secretary Bennett. He never did believe the Federal Government should be involved in education, whether it's drug prevention or anything, so you leave him alone. [Laughter.]

Get tough. Put the kids in jail. You know, kick them out of school. That's his Federal program. And we're cutting back money for rehabilitation.

We will have oversight in each and every one of these areas. And we'll need your help in the future.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. And, again, I want to thank the mayors for their participation, for their help out on the battlefield.

I'm concerned about one thing. I think Mayor Riley referred to it. Have you had no input at all in the State strategies that are being involved and, Mayor Koch, have you been called on or invited to take part in developing these State strategies?

Mr. KOCH. We've received no guidelines.

Mr. GILMAN. Or invitations?

Mr. KOCH. No invitation.

Mr. GILMAN. No invitation to participate.

And Mayor Riley?

Mr. RILEY. We have. And I asked Laura Waxman, with the Conference of Mayors staff. She said that in some States, they may have, but we're not aware of any substantial effort in that regard.

Mr. GILMAN. Well, Mr. Landers, is it possible for the Justice Department to urge that mayors in at least the larger cities in each State be involved in the planning effort?

They're out on the battlefield.

Mr. LANDERS. Mr. Gilman, if I might, one of the things we've suggested that each State do is establish a Drug Policy Board that

would be made up of both State and local officials. We don't have the authority under the Act to require that that be done by the States, but we——

Chairman RANGEL. Mr. Landers, why don't you sit down with us because, you know, your Attorney General can just demand what he would want us to do, what he expects of this program; that he wants every nickel to be effectively used.

He wants the mayors involved. So he should want to hear from some of his law enforcement type people on the local level that he has relationships with to talk about it. So don't let him wait for the Governors.

If this darn thing is going to work, it's not going to be money that makes it work. It's going to be leadership. So if there's something that we have forgotten, scream, yell, holler, let us know what we can do to make certain that the money gets where we want it to get and that is to put these people in jail.

Mr. SCHEUER. Will the Chairman yield?

Chairman RANGEL. I will.

Mr. SCHEUER. When we hear from Rose Matsui Ochi in a few minutes, who is the Criminal Justice Coordinator from Los Angeles—and I've read her very thoughtful testimony, you will get a feeling that the Governors, through whom all these programs and all these funding pass, have absolutely blocked every possibility of participation by the cities and by the mayors.

And you might want to ask her up now, Mr. Chairman, or we might wait and hear her later. But she gives a devastating recital of how every single possible window of opportunity for the cities to express themselves, for the cities to participate, for the cities to have some impact, for the cities to provide their wisdom and their experience, has been blocked.

And it's not a question of the Governors or of the Federal Government being neutral. But together, the Federal Government and the Governors have absolutely blocked out and impeded, and destroyed any possibility of the cities to participate in a constructive way in the planning of these programs.

And she'll give you chapter and verse in just a few minutes.

Chairman RANGEL. Doesn't the Attorney General have the mandate, the oversight of what the States are doing to make certain that they include local government?

Mr. LANDERS. That's one of the things that's required in strengthening the application is that the States certify that the State strategy has been publicly disclosed. And that whatever the States—public comment that has been met.

So when we get the application——

Chairman RANGEL. Are you in charge of this part of our legislation?

Mr. LANDERS. Excuse me?

Chairman RANGEL. Are you in charge of implementing this part of our legislation?

Mr. LANDERS. Yes.

Chairman RANGEL. Well, why don't you invite him to the Conference of Mayors and bring your staff. And why don't we have a National Conference of Mayors meeting and you can get their ideas.

Mr. GILMAN. In respect to the regional workshops, you, Mr. Riley, have established some regional workshops by the Conference of Mayors?

Mr. RILEY. We have. We have.

Mr. GILMAN. And are you inviting, then, Justice to participate in that?

Mr. RILEY. They're invited.

Mr. GILMAN. Now in like manner, Mr. Landers, I hope that you would—as I understand it, the master plans are now underway in most of the States. Is that correct?

Mr. LANDERS. Yes. That's the next step.

Mr. GILMAN. And they're in that process now, are they not?

Mr. LANDERS. Yes. That's correct.

Mr. GILMAN. Can you make some recommendation to the States that are engaged in that process at the present time to invite the mayors to participate?

Mr. LANDERS. We certainly will and we have already done that in our materials and we will reemphasize that.

Chairman RANGEL. But you see, if you really call, call Mr. Riley. He has a network. And we don't want to, then, get back to the States and say that they didn't follow the legislation or the regulations.

He can assist the Governors by making certain that the mayors are there.

Mr. LANDERS. We will do everything we can to work with the Conference of Mayors and to get back to the local governments.

And the other thing that we've done, one of the reasons we're trying to get this through too, is through our Law Enforcement Coordinating Committee. We've also emphasized there. So the locals are working with the Federals. The Governors have this money. Get to your governor's office and assert yourself and get the input there.

But we will certainly follow through in any way possible to get the locals involved with the States and developing strategies and ensuring that funds are distributed.

Mr. GILMAN. I'd like to hear more effective initiative in that direction.

Let me ask you, the mayors are saying that 5 months have passed and not one penny has trickled down to the cities. Can you just respond to that?

Mr. LANDERS. The only money that has been distributed so far is the Administrative Fund, the 10 percent that goes out. None of the money can be sent out until the applications are received. And we haven't received any applications.

And it's in that application process that the State identifies the pass-through to the local governments. So the administrative funds are 10 percent of those funds that are used to get the State agency going. So if that is an agency at the State level, I would suspect that the money hasn't gotten to the localities.

It won't be until the actual grants are made.

Mr. GILMAN. Is there anything we can do to expedite the movement of these funds down to the city level?

Mr. LANDERS. Well, until we get an application, and that's set that you get an application in, once the application goes out the

funds will go out a maximum of 60 days after we receive that application.

Mr. GILMAN. How soon can applications be made?

Mr. LANDERS. The applications can be made now. As I said, we expect that they'll be made as soon as the guidelines are finalized. But they can come in before then.

Mr. GILMAN. Are you saying the cities can now apply?

Mr. LANDERS. On the discretionary grants, which will be the ones the cities can apply for directly, those can be done as soon as the program guidelines go out in April.

Under the block grants, which are paid to the State agencies and the States then subgrants it to localities. So we have to get—the only thing we can do is grant it to the State agency. And as soon as they get their plan, then that would establish how the funds will be——

Mr. GILMAN. The cities cannot apply then?

Mr. LANDERS. Not under block grants. Right.

Mr. GILMAN. And how soon—what's the earliest date they can apply?

Mr. LANDERS. In April, for the discretionary funds. The grant of the local money comes from the State to the localities.

Mr. GILMAN. And what about the block funds?

Mr. LANDERS. Those are block funds. As soon as the State gets the block funds, that's when they put it through to their localities.

Mr. GILMAN. How soon do you anticipate the States—the cities can apply for that money?

Mr. LANDERS. Well, if we get the applications in at the end of this month, which is possible from some States, they would have the funds—the States would have the funds within a maximum of 60 days, perhaps sooner. The localities can then get their money from the States.

Chairman RANGEL. Mr. Landers, when the cities get their act together and you approve all of these funds, and they hire people, and get out there and really do a job in order to make their Congress proud of what they're doing, what do they tell the people when they're hiring them as to what the tenure is as it relates to the job?

Is it just for the remainder of the year?

Mr. LANDERS. Well, it depends on the States planning and what the States are doing.

Chairman RANGEL. No, no, no, no, no. They're only hiring them because the State is getting the Federal funds. And they've got these dynamic programs going that the Federal Government didn't have, and they're really trying to prevent and educate.

And the traffic is on the run. And they've hired these special people, unique people, talented, experienced people. And on the application, how long do they tell them that they'll have a job?

Mr. LANDERS. Well, as long as the program is funded.

Chairman RANGEL. Yes. That's exactly it. So with your thinking and the Administration, how long would that be?

Mr. LANDERS. Well, as I said, our duty is that this money is to get the States going.

Chairman RANGEL. Well, sure.

Mr. LANDERS. And to begin the program.

Chairman RANGEL. Exactly.

Mr. LANDERS. And give them the opportunity to go and come up with other funding——

Chairman RANGEL. Well, wait. Now, I didn't hear that. Where, in our bill, did we say that we wanted to get them started and then tell them to come up with other funding?

Mr. LANDERS. Well, our view is that the legislation says, "Let's get States to move in a new direction. We'll give them the supplement that they already have to get"——

Chairman RANGEL. Exactly.

Mr. LANDERS. To get into programs, and that type of thing.

Chairman RANGEL. Right. Period. And that's what the President signed into law.

Mr. LANDERS. We have put out that money in——

Chairman RANGEL. I'm just saying that you just can't plan for 6 months.

Mr. LANDERS. Mr. Chairman, I think one of the things I'd just like to say is that in terms of the money that is there, we are getting that money out.

Mr. SCHEUER. Mr. Landers, you were saying before that we will get the word out to the Governors and we want them to involve the cities. When you say "we," who do you mean?

Mr. LANDERS. The Bureau of Justice Assistance—that's the administrative program. And they send out mailings——

Mr. SCHEUER. Who is "they"? I mean, bureaus don't send out mail. People sign mail.

Mr. LANDERS. The Director of the Bureau of Justice Assistance.

Mr. SCHEUER. You see, our problem is that this problem of States versus cities has been going on for a long time. I was around here in 1965 when we wrote the Poverty Program. There were some elements in that Poverty Program that we sent directly to cities, and there were others that we sent to the Governors.

And when they went to the Governors, the big cities got the short end of the stick every time. It went to the suburban areas, the rural areas, the upstate areas. Big cities got the short end of the stick.

And history is repeating itself. We're not making new history here. We're repeating ourselves. The big cities, as you've heard from the mayors and you're going to hear from Rose Matsui, they are getting the short end of the stick.

So to reverse that, somebody is going to have to send a powerful message. Now, you've got the Attorney General, you've got the Assistant Attorney General, you've got a Deputy Attorney General, Associate Attorney General, Mr. Trott, you get four or five or six levels below the Attorney General, and when that happens it isn't taken very seriously.

If this is going to be a message that's taken very seriously, it had better be sent from the Attorney General or an Assistant Attorney General or, at the least, an Associate Attorney General for that message to have some punch and to have some credibility.

It was sent by somebody, as I said, five or six levels down the line; if so, these Governors are not going to pay any attention to it. Now, I don't say that in a partisan way. I'd say the same thing if

we had a Democratic Administration over there at 1600 Pennsylvania Avenue.

We had a Democratic Administration in 1965 when I came here and they administered the Poverty Program when we wrote it. And we had the same bloody problem then of the Governors against the big cities that we have now.

So this isn't a partisan matter. This is just an endemic institutional problem of Governors versus big cities. So you're going to have to send a powerful message and it's going to have to come from a first or a second level guy in the Justice Department, not from a fifth or sixth level guy.

I thank you, gentlemen.

Mr. GILMAN. The gentleman from Florida, Mr. Shaw.

Mr. SHAW. Thank you.

I'd like to welcome a former colleague who has been formerly on the—I'd like to—parenthetically, I might say that my son is now a resident of your city at the College of Charleston.

I'd like to focus, for one moment, Mayor Koch, on what you said with regard to the—taught us in the Bennett Amendment. The Bennett Amendment, or the basis of the Bennett Amendment, was the Shaw Amendment in 1981 which passed the House of Representatives.

After that passed, I went over and I spoke with Senator Nunn and Senator Tower, and everyone else who would listen to me over on the Senate side, trying to get the Senate to accept that language.

The Pentagon has opposed us and the Senate has opposed us vigorously in this regard. I introduced the measure again in the last Congress. It was jointly with Charlie Bennett. But it just doesn't seem that that is something that we're going to be able to impose.

As a matter of fact, what we ended up with in 1981 is a compromise. The Vice President, himself, had to involve himself to get the military to do what the Congress had authorized.

We haven't done enough. The only way we're going to get enough resources to do anything about the border problem is to get the military directly involved through its search and seizure and arrest powers outside of the United States.

I would hope that the Conference of Mayors, if you haven't already done it knowing the importance of this, would pass this as one of your resolutions. And put this on your legislative agenda. And then go work on it and I can have a success story jointly that we can all be proud of.

I would also hope, and this is something that I'm very concerned about and I tried to get it in the funding that we're talking about. Chairman Rangel, of course, was a prime mover in it. In fact, I think it was Charlie that introduced it and supported it.

But it did come through the Judiciary Committee, as the Legislative Committee, and we had hearings on it. And I tried very hard to put a provision in there requiring matching funds by the cities.

By doing that, we can have a half a billion but realize a billion. There's too much temptation. I know that sitting where you sit, directly looking your constituents in the eye, you have much higher budget pressures than we do here in Washington because we don't

have to look our constituents in the eyes when we're voting and when we're arguing.

But there is a tendency to supplement local budgets with Federal funds in every way up and down. And I think it would be very refreshing for the mayors to actually challenge the Federal Government to a matching grant so that they say not only do we want you to send the money, but we are going to commit new money to fighting drugs in our communities so we can get twice the bang for the buck.

Yes, sir.

Mr. KOCH. May I respond to that?

Mr. SHAW. Yes, sir. I wish you would.

Mr. KOCH. First, I do want to commend you and say that it is the Shaw Amendment, and that you did, indeed, lead the fight early on. And regrettably, we have not been successful. But we're going to keep supporting the Shaw/Bennett approach.

I disagree totally with the second part of your comment which is that the localities should now be requested to add additional matching money. Do you know why? The city of New York is spending, at this particular moment, $250 million as it relates to all aspects with respect to law enforcement directed solely to the area of narcotic interdiction and arrest, and so forth.

Now, we can give you a breakdown of the $250 million. It is only that portion of the DA's budget and the court budget that goes only to dealing with drug offenders. We're not taking all law enforcement. Our law enforcement bill is much larger than that.

Now, should we, one little city, maybe one big city, be required to spend more than $250 million for all of the efforts that we are now directing against drugs? Last year, we arrested, our police department, 60,000 people for drug sales or for large amounts which would be tantamount for possession for drug sales.

Our prisons are bursting at the seams. We're spending hundreds of millions of dollars in desperately needed capital funds to incarcerate people. Do you know that we have doubled our prison population in the last, I don't know whether it's 8 years, 10 years, but something like that.

We now have 14,000 people in our local city jails, 3,000 of them are convicted already of misdemeanors and the rest are awaiting trials. And much more than 50 percent of those who are awaiting trials are awaiting trials in matters involving drugs.

And the Federal Government has dual responsibility. Why isn't the Federal Government trying these cases? Morgan Thorpe has about 11,000—I don't remember the exact number and Kevin can fill it in—cases in one county in Manhattan. Maybe more than that.

And Rudy Giuliani, to his credit, entered the field. Do you know how many cases he disposed of last year? 240. He came to the Congress and he said, "We want to do a much bigger deal. Give us the resources and we'll do 300." That's what he said.

I praise him for it. But think of what we're doing. Every one of those 11,000 or more people who were arrested for involvement with drugs, every one of them violated a Federal law.

Why shouldn't they be taken up into the court processes of the Federal Government instead of the city government? We don't

grow heroin or cocaine in Central Park. Climatically, you couldn't do it if you wanted to do it.

It came from overseas. If the Federal Government, and here we're on the same side, can't stop the drugsellers from bringing the drugs into the country, what do you want from us? I mean, can we spend legitimately more than $250 million?

The Federal Government eliminates our Community Development funds. That's $240 million a year—no; $270 million. The Federal Government eliminates our—what's the other one—General Revenue Sharing. That's another $270 million.

The Federal Government has eliminated from the city of New York's budget over the last 5 years over $2 billion in contributions. And you're suggesting that we now supplement the Federal Government's involvement in the drug field when it hasn't done anything?

Mr. SHAW. Your Honor, I think the answer is no. [Laughter.]

Mr. KOCH. I'm sorry if I get excited.

Mr. SHAW. The problem that we have is where is the end of the Federal response? When we talk about a partnership, we had last night Members of Congress and actors sleeping on grates in order to support a half a billion dollar expenditure that's going to come through this Congress tomorrow to answer the Federal responsibility to the homeless.

Fine. If there's all of these moneys available and if it wasn't for a deficit that none of us seem to be able to cure here on your Federal level, I would say let the Federal Government take the whole responsibility.

But we are not. We are not spending enough. I would tell you that. I will agree with you. And I agree with my colleagues here on some of the criticism of the Administration; not of the tone of the criticism, but as to the actual dollars involved. I do agree with that.

But I think that all of us have to do more. And we have the same problems——

Mr. KOCH. Can I respond to that?

Mr. SHAW. Yes.

Mr. KOCH. You know, again, we're on the same side. So as it relates to approaching this problem, I wanted to tell you it is not a fair appraisal and I'll tell you why. Of course we come down and we have a whole host of programs before different committees, and we say, "We want more money for education," and we want for housing, and we want for mass transit.

The Federal Government is getting out of all of those fields, regrettably, and some totally. Like in housing, they haven't built any low income housing now for years which they used to do. And we're now spending—in the City of New York, we have allocated over a 10-year period out of different sources, capital and operating, we're going to spend about $4 billion over a 10-year period, moneys that the Federal Government heretofore spent.

So we're already substituting it. We shouldn't have to. And that, in fact, is one of the homeless problems. The Federal Government does have some responsibility. I can go through a whole number of areas, and I'm going to tell you: we're going to fight as hard as we know how to keep the Federal Government in various programs that it has tried to escape from, whether it's Welfare or Medicaid,

or any one of 10 different programs that I can tell you where they've cut back and imposed their burdens on the localities.

And normal things that we used to be able to do, we're not able to do. The Federal Government doesn't pay for our cops. They don't pay for our sanitation workers. They don't pay for our firefighters and other essential services that we are providing that are traditionally locally funded.

But, in one area, they must pay. And that's the area that we have no control over. Do we allow the drugs to come into the country or does the Federal Government allow the drugs to come into the country?

Couldn't the Federal Government cut off all aid to these countries that are growing most of the cocaine in Peru, and Bolivia, and Colombia? Countries that we support.

If I could, I'd cut off the aid but I can't. I'd say to them, "You're killing the kids." And we're going to give you money? And when the President says that, as he did, he said, "This is a threat to our national security."

Now, the Chairman, Charlie Rangel said if everytime a planeload came in—and the statistic I'm giving you now is like 3 years old so it's worse today; but I can't keep upgrading these statistics—about 3 years ago, the Federal Government said 18,000 planes came in every year with drugs. Every year.

And that the Federal Government interdicted only 1 percent. We're not allowed to shoot those planes down. The Federal Government can. Let's say they don't have to shoot them down. They can bring them down. Okay?

Or, as it relates to the boats, the ships that are bringing drugs in. Another Federal figure. They said, the Federal Government said, out of every 100 ships that are reaching American shores with drug cargo we, the Federal Government, are only interdicting six.

What do you want from us? We have a police force. We don't have a Navy. [Laughter.]

Chairman RANGEL. If Mr. Shaw would yield. After——

Mr. SHAW. I don't get to divide time with the Mayor but I'll yield. [Laughter.]

Chairman RANGEL. But I just want to reemphasize that after the drugs get here, and I say this as a former Federal prosecutor, that there is no State law that's being violated in this area that is not, at the same time, a violation of the Federal law, the Federal code.

And really, what you have here, as it relates to the DEA and then the Justice Department, is a very selective prosecution of violation of the Federal law.

Mr. SHAW. No question.

Chairman RANGEL. So I would agree with you in a lot of fuzzy areas that local and State governments could do more. But clearly, whatever they are doing, we can say that they're enforcing the Federal law. And I've told some of our prosecutors that they should just march our jail loads straight to the U.S. Courthouse and bring them before a Federal Magistrate and say they have reason to believe that these people have violated the Federal Law.

Anyway, Mr. Scheuer.

Mr. SCHEUER. Thank you, Mr. Chairman.

Mr. Chairman, I'm going to ask Mr. Landers a question.

Mr. Landers, you've heard us express our concerns that this directive that you say "we" will send to—I say "we" in quotation marks, the Justice Department, directing the governors to involve the States in every aspect of the planning of the programs that we're talking about, you have heard our concern that that come from a very high level in the Justice Department, preferably the Attorney General.

I would ask unanimous consent that Mr. Landers be requested to provide this Committee with a copy of the communication that goes out promptly, whenever it does go out, so that we will be apprised of the form and the fashion in which that goes out.

Chairman RANGEL. Without objection.

Mr. SCHEUER. I would like to ask our distinguished mayor, who has provided such enormous leadership on this whole question, Mr. Mayor, you've seen us struggle with this since when you were a Member of Congress for the last 12 or 15 years.

We've never stopped more than 12 or 15 percent, 10 or 15 percent of the stuff coming in which means that 75 or 80 percent, or 85 percent has always gotten in. If we double that success, well over half of it would get in which means that the criminal syndicates would simply load twice as much more into the pipeline.

We'd still be in the position that drugs would be in every town and hamlet and village in America. The price might go up a bit. So I think there's a lot of feeling on this Committee that while we cannot abate our efforts at interdiction, we cannot abate our efforts at eradication, we cannot abate our efforts at local law enforcement, over the long pull, we're going to sink or swim on the effectiveness with which our drug education programs work to convince kids that drugs are a no, no; that they are life threatening.

That they destroy lives, careers, marriages, job prospects, education prospects. Can you tell us something about, although it may not be strictly within the confines of this hearing, your feelings on this matter and your program in New York City to educate kids to turn off this?

Mr. KOCH. Yes, sir.

Mr. SCHEUER. In my opinion, that's the only ultimate solution.

Mr. KOCH. It was in 1986 when we had a lot of discussion in preparation for your legislation as to what was the Federal Government doing, what were the localities doing on education.

And it was your Committee and you, yourself, Mr. Chairman, who said that you believed that education against drugs—and the Federal Budget was $3 million; that was the figure that your Committee used.

It was such a shockingly small figure, we said, "Can it really be?" Because you want to be careful not to understate or overstate, and so forth. So we took it up with the White House.

"Oh," they said, "no." They said, "We're spending $20 million." Is it a joke? They were very well proud of the fact that nationally they were spending $20 million to educate against drugs. It shows the nature of their minds, that they're limited.

Now——

Mr. GILMAN. That was out of an $18 billion Federal Education Fund.

Mr. KOCH. Right.

Mr. GILMAN. But our State of New York wasn't doing much better, I thought.

Mr. KOCH. I want to tell you what we were doing in the City of New York.

Mr. GILMAN. Yes. But I just would like to remind you that we had the Governor and the Commissioner of Education of the State of New York, they were spending $140,000 out of a $7 million Education Fund for the State of New York.

Mr. KOCH. I might add, I think the figure in the City of New York, we were spending $7 million, not the state; the City of New York in a program in the school system which was 50 percent funded out of the Police Department's budget and 50 percent out of the Department of Education in the City of New York.

Now, we don't consider that adequate. But $7 million for New York City's children, as opposed to $20 million nationally from the Federal Government's budget, I mean, it shows a ridiculous lack of consideration impact on the part of the Federal Government. Okay.

Now, we know education—and the President was really brilliant in this area because he said—you know, he likes to put it in terms of demand side, supply side, an easy way to deal with it for him—that the supply side is important but the demand side, we've got to deal with that education.

So we were asking for much more in your bill. But they settled on a smaller amount. And my recollection is that the amount for education was something like a little over $200 million. And then they had treatment. And they had all of that which is now being cutback under the President's proposal to a total of $100 million.

That part of the demand side is now down to $100 million. We think it's outrageous. We believe that the Federal Government ought to be covering the airwaves with education, mandate the television channels, as part of their license requirements, to carry in prime time those commercials that would educate.

We believe that the Federal Government ought to be preparing adequate programs if localities are not able to that can be shown in the school system.

But we also know that's long range. We also know that's not going to cut it off in 1 year, 2 years, or maybe 5 years. It's long range. So you've got to deal with both and we want to deal with both.

Mr. SCHEUER. Thank you, Mr. Chairman.

Chairman RANGEL. I want to thank this panel. And I may ask Mr. Frawley or Mr. Riley to see whether you can get some statistics as to how much does it cost to carry a person through the Criminal Justice System. And then what is the annual cost in keeping him or her in jail.

Mr. RILEY. We'll get that, Mr. Chairman.

Mr. FRAWLEY. I'll give you New York City and New York State figures as soon as we can, Mr. Chairman.

Chairman RANGEL. Thank you.

Any other questions?

[No response.]

Chairman RANGEL. Thank you very much.

Mr. Landers, if you can stay with us, we'll now have the coordinators from the local areas and they'll be able to share their lack

of input into the Government's system, which is not your fault. But you can probably be able to help them.

Timothy Schoewe, Criminal Justice Planner from Milwaukee, Wisconsin and he's also the Chairman of the National Association of Criminal Justice Planners.

And then we'll start with Rose Matsui Ochi who is the Criminal Justice Coordinator for the City of Los Angeles. And because of the request from Congressman Scheuer, if Mr. Schoewe would permit Ms. Matsui Ochi to testify, we might set a framework here.

Mr. SCHOEWE. It would be my pleasure.

Chairman RANGEL. Thank you so much.

Ms. Matsui Ochi, you can read your testimony or it will be placed in the record in its entirety and you could highlight it, or whatever makes you feel comfortable.

TESTIMONY OF ROSE MATSUI OCHI, EXECUTIVE ASSISTANT TO THE MAYOR AND DIRECTOR, LOS ANGELES CITY CRIMINAL JUSTICE PLANNING OFFICE

Ms. OCHI. Thank you, Mr. Chairman.

Good morning, Honorable Members of the Committee. I am Rose Ochi, the Director of the City of Los Angeles Criminal Justice Planning Office.

I want to thank you for the opportunity to appear before you today.

My testimony represents the micro and Mr. Shoewe's the macro. I want to talk about the specifics of implementation in Los Angeles and in California.

You've heard from the mayors and the mayors have said to us to restore the cuts that the Administration has slashed from the budget in terms of the State and Local Assistance Program.

Our Mayor has testified before a recent budget hearing decrying these cuts. However, if you would ask me today where I stood on this, I'd have to say it really doesn't make a difference because we're not going to see any of the money to speak of.

I would like, in my testimony, to explain some of the reasons for this. But before I do that, Chairman Rangel, you were in Los Angeles. And are well aware of the nature of the drug problem in our city.

Because of the Federal efforts in Florida, we've seen a shift in smuggling. We have increased smuggling. You refer to increased production. We have increased drug smuggling. We have increased arrests, and convictions. We also have increased drug abuse.

And we have a special problem in Los Angeles. You referred to crack in New York and we have rock in Los Angeles. We have gangs involved in big time dealing of rock, not just in the Los Angeles area of Southern California. We are finding gang members are in Louisiana and Portland. They're going nationally.

This is a major problem that faces our city. And if we don't do something about it, it's going to have national consequences.

Just to give you some sense of where we are, I want to say something about the Drug Abuse Education Program [DARE] in Los Angeles. I've been involved for about 14 years as a Criminal Justice Planner.

We first started in the high schools. That was maybe some 12 years ago. Then we went over to junior high school. Where we are today is in the elementary school. This is a very sad commentary about our circumstances.

So I don't need to impress upon you the gravity of the situation. What I want, if I could leave one message at all, is to say that this should not be treated as just another grant in aid program.

We're dealing with an emergency. Present and future generations are at stake.

And so what I would like to make sure that you understand is that while Congress enacts and makes provisions for resources, that when you put it into a pipeline, the bureaucracy--albeit well-meaning, but just the nature of the bureaucracy—undercuts the ability for major urban cities to receive any funding.

I pointed out some of those reasons in my testimony. My message for you is don't wait until this fiscal year's program runs its course. Try to oversee the implementation at this point.

It has been 5 months since the passage of this bill. It's pretty clear to us that Los Angeles will not be getting any money.

Chairman RANGEL. Why is that so clear? It's supposed to be a State program. It's my understanding that the cities are supposed to have input in it and that the Attorney General's Office will not accept a State program unless it shows input from the cities.

Ms. OCHI. First, with respect to development of the statewide strategy, there were public hearings. But they were really kind of a perfunctory kind of exercise, the State's staff had already determined what the program priorities are going to be.

I testified. Our Chief testified. Our prosecutor testified. We talked about the magnitude of the problem in Los Angeles. We gave them some new data that has not been released yet. Also we talked about where we stand in terms of convictions in the state. Within just one of our courts, we represent over 50 percent of L.A. County of felony drug trafficking convictions which represent at least 50 percent of the State's total.

That's just one of our courts.

Chairman RANGEL. Why is it that you believe that when the Federal Government finally funds your State program that there will not be monies available for the Los Angeles law enforcement effort?

Ms. OCHI. One, is in terms of the nature of the decisionmaking process, not only for inputting the nature of program priorities, but most importantly the apparatus that they put together for determining who gets a piece of the pie.

Chairman RANGEL. Well, now, let me tell you this, that your efforts today are worthwhile. First of all, we're asking the staff to notify each and every Member of Congress that represents the Los Angeles District, a least a half a dozen of them, and as well as Mr. Landers, to review—send a note to whoever is in charge of the California program that we have received this testimony and that we do expect that Los Angeles will have input in the program.

Ms. OCHI. We have the input. And we've indicated what we'd like to see in priorities.

Mr. SCHEUER. Why also not do that for the City of New York, Mr. Chairman?

Chairman RANGEL. We won't have a problem.

Ms. OCHI. We've had input. However, it appears that the State's decision making process, and guidelines are set fused on their utterings. They're not very forthright and they'll talk about integrated systemwide, and all this gobbledy-gook.

But what they mean is they're not going to be entertaining applications from the cities. Instead they will be using a county mechanism. And that you are well aware, I don't need to repeat the horrors of the LEAA Program—regional planning didn't work.

We used to come out empty-handed. The Police Department, the largest law enforcement jurisdiction in the county would come out empty-handed under LEAA program. The reason for it is the little guys and I have mentioned some of the discussion in our State Ad Hoc meeting which I attended. I crashed it. I listened to the discussions.

And when you see the small cities and the medium-size cities, who have a natural inclination to gang up on the big guy. They see that since we're ahead of the pack, and we're running programs, that set models. Our DARE Program is being replicated by the Department of Justice we are not in need.

When we talk about the extent of our problem or what we're doing about it, or about our felony conviction rates, they say, "Fine. You're doing a good job. You don't need any other money."

The State director will agree. And so these dynamics, contribute to the problem. This is not a feeling on my part. From what I can gather, the application process refers only to counties. The attachments to my testimony have come out of the State meeting?

And the other main concern is the priority that we pushed enforcement and dealing with major offenders. We want to do something about gangs involved in rock trafficking. It's not even included on the list of program priorities.

In the Congressional legislation, that was the only program category that made mention about areas with the highest incidence of problems.

And so I would urge that Congress put in the kinds of controls. When you hand money to Federal agencies, they're going to defer to the State if there isn't language in there that provides that major urban centers, where the problems are, receive funding.

And that we get some things that would resemble a proportionate or a fair share. I think we're at the front line of this war on drugs, and that we need some Federal assistance to aid us in our efforts.

Chairman RANGEL. We'll share your testimony with the Los Angeles delegation. You help us by making certain that back home you contact them. We have at least one on this Committee, Mr. Levine. And at the hearings, we had a very active Los Angeles delegation.

So make certain that you share your concerns with them and we'll monitor it.

Mr. Shoewe.

[The statement of Ms. Ochi appears on p. 90.]

TESTIMONY OF TIMOTHY R. SCHOEWE, HEARING EXAMINER, MILWAUKEE FIRE AND POLICE COMMISSION, ON BEHALF OF THE NATIONAL ASSOCIATION OF CRIMINAL JUSTICE PLANNERS, WASHINGTON, DC

Mr. SCHOEWE. Thank you, Mr. Chairman.

I'm Tim Schoewe from the City of Milwaukee Fire and Police Commission. And I'm also the Chairman of the National Association of Criminal Justice Planners.

Personally, and on behalf of our Association, I'd like to thank you both for the opportunity to provide testimony to appear here today. I would like to introduce also next to Ms. Ochi is Mark Cuniff, our Executive Director.

The principal constituent group of our Association is large urban and suburban jurisdictions. The mission of our membership at the local level is to facilitate the communication and coordination of Criminal Justice Agency efforts.

We're the folks at the line agency level who try to make things work. This process of coordination is a difficult one because inherent in our system of justice are rather conflicting objectives and goals. Chief among them, as you might guess would be defense counsel and prosecutors. But coordination is not susceptible to mandate. What we have in the drug legislation, I believe, is a problem of a classic conflict model having been created.

By designating the State as the lead entity in this Drug Abuse Program, and directing it to develop a statewide strategy to deal with the problem, the State and its agencies are given preeminence in an area over which they exercise very minimal responsibility.

Further, by failing to give local units of government any legal standing in the bill, we believe the legislation leaves those jurisdictions that are most afflicted with the drug problem with a limited say in how the program is implemented.

Further, it's our belief that reliance upon the States to run the program while simplistic in its appeal, overlooks how the justice system actually operates in this country.

To echo earlier remarks, we do not wish to repeat the problems of LEAA. But to underscore our problem, large urban and suburban jurisdictions in this country are the areas that tend to be most heavily afflicted with the problems of drug trafficking and drug abuse.

For example, Los Angeles County, which contains about one-third of the population of California, generates about 46 percent of the drug-related arrests in that State.

In my home of Milwaukee, which has 13 percent of Wisconsin's population, we generate upwards of 40 percent of the drug related arrests in our State.

This statistic is not a source of pride, as you might guess. However, we point to it as a rather unpleasant fact of reality that we have to confront daily. Not only are there disproportionately more drug arrests in these large jurisdictions, but the burden of processing the cases and those convicted of these crimes remains primarily the responsibility of local government.

Chairman RANGEL. We know the problem. Would you share with us what you think we should have done, taking into consideration Mr. Landers' problem in getting back information from 50 States?

Mr. SCHOEWE. Well, I think the problem is clearly that of localities getting the money and the administrative funds.

Those administrative funds are not going to come to the City of Milwaukee or the City of Los Angeles.

Chairman RANGEL. But we did mandate that we have input from the cities. But how would you have wanted us to do it?

Mr. SCHOEWE. Well, I think there should have been a mandate of an entitlement to large jurisdictions.

Chairman RANGEL. How would you have described them in the bill?

Mr. SCHOEWE. I think that we could have looked at a minimum population of 250,000 people. That threshold would encompass the major urban and suburban jurisdictions in our country.

Chairman RANGEL. What percentages would you have allocated based on population?

Mr. SCHOEWE. There is a model that is used in the State of Ohio that is based on crimes reported to the police, and on population. Such a formula would take into consideration, not only the problems of the central cities but also the major suburban jurisdictions which have large populations to service.

Chairman RANGEL. We'll take a look at that. It is very, very difficult to administer. And certainly the objectives is what we would want. We've worked on this with the House and the Senate. And we had hoped that by mandating that the Justice Department would make certain whatever a State plan incorporated, local governments, that we were doing this.

We just didn't see how thousands of cities could be involved in the initial planning stage. That's all.

Mr. SCHOEWE. I would like to make just two brief points, if I may. I appreciate your time is cramped here. But given the state of the development of the program and the recent initiatives budgetwise from this Administration, I see two problems unfolding.

One is, as the legislation currently stands, major cities and counties in this country have no stake in the program. Yet if you look at the administrative requirements that the States are going to have to do to address in their applications, we're the ones who are going to have to do the work.

However, we will not be the ones getting the benefits.

Second, given the zeroing out of this program in the Federal Budget, and I do not believe that the Forfeiture Program will be an adequate replacement, you can't run an effective program on a 1-year basis.

We need a consistent Federal policy that is both long term and adequately and timely funded.

Mr. SCHEUER. Mr. Chairman.

Chairman RANGEL. Mr. Scheuer.

Mr. SCHEUER. On this point, I understand that in the law there is a strategy spelled out that the Governors have responsibility to deal with cities. Cities have the opportunity and the challenge to go to their Governors, beat the drums, and that there is a clear

standard in there that monies should be distributed on a basis that's proportional to criminal justice spending.

Mr. SCHOEWE. Well, respectfully, sir, I'd like to point out that the variable pass-through requirement doesn't mean that the City of Milwaukee or the City of Los Angeles will get a dime.

It does mean that they have to fund local units of government but not necessarily those where the problem is.

[The statement of Mr. Schoewe appears on p. 101.]

Mr. SCHEUER. Well, Mr. Landers, could you explain this to us? There is a standard in there that the money is to be set proportional to criminal justice spending. And in Los Angeles, let's say that half the criminal justice spending in the State for arrest, for prosecutions, for incarceration, for whatnot, for the whole bag, takes place in Los Angeles. Presumably, they're entitled to half of the funds.

Why is, then, this concern, that the witness Ms. Ochi express, the same concern as Mr. Schoewe has expressed, that they're not going to get anything? If that standard is followed, why wouldn't it follow as night follows day that they're going to get a sum that's proportionate to total criminal justice spending which, unfortunately, is concentrated in the cities?

Mr. LANDERS. The statute provides that there has to be a pass-through to the localities of an amount proportional to what their expenditures are. I think what the concern may be is that it doesn't mandate which localities will then get the funds that are passed back.

Now we have, in our Administration program, told the state that they had to assess the need, and that they had to allocate the funds to the areas where it's needed. So under that standard, we think that covers it.

But if, in fact, a major metropolitan area has a need for resources, that is where it will go. It will go under the State plan. So there's nothing specific in the statute that says it has to go back to a particular locality. It just has to go back to the locality in general.

But our administrative programs have said you've got to address the area of need. So it will be allocated to localities on a need basis. And that's where we believe the——

Mr. SCHEUER. And has that message been sent out? Has that been put on the paper and sent out?

Mr. LANDERS. As part of the application kit that we put together, it tells the States, "You've got to do an assessment." We have a whole data package that they have to fill out in terms of what the problems are, what resources are available and where are the gaps.

What has to be filled. Where do the resources have to go. And that's what we've done in our application process. And ultimately, that's what we expect them to do.

Now, we can reemphasize that again in the workshop, which is what we plan on doing——

Mr. SCHEUER. Yes. As a matter of fact, I think, again, this is worth a top level communication. You've heard the concern from Ms. Ochi and from the National Chapter of the Criminal Justice Planners. It seems to be a pervasive concern and it's based on a lot of history which is bipartisan history.

As I said, 29 years ago, in 1965 when we wrote the Poverty Program and when we had a Democratic Administration, we had the identical program. And Ms. Ochi talked about the Law Enforcement Assistance Administration Program which, most of the time, or a large part of the time, was administered by Democratic Administrations.

We had the same problem of not being able to get the money to the big cities. They all went to upstate sheriffs, and so on and so forth.

So I think this is worth a top level communication. And not just getting relegated to the local conferences and being lost in your application form, but a very succinct clear, unmistakable directive to the governors and to the mayors from a top level Justice Department person telling them what the Justice Department requires.

Mr. GILMAN. Will the gentleman yield?

Mr. SCHEUER. Of course.

Mr. GILMAN. Mr. Landers, now, does your proposals, for the criteria and the distribution, preclude cities from getting a direct benefit?

Mr. LANDERS. They can get a direct grant only under the Discretionary Grant. We do not have the authority under the block grant to give a direct grant to the localities. That has to go through the State Administrative Office.

Mr. GILMAN. All right. Now what about the concern they raised for the regional type of distribution where the city has to participate, for example, with a county or with an entire region, will the Block Grant moneys—will a criteria for the distribution of those block grant moneys restrict the cities from getting those funds on their own?

Mr. LANDERS. How the state handles it, that's going to be a question for each state to handle. Now we have told them in the strategy, they have to—or their application procedure, they have to comply with the requirements. And they pass that to localities, a proportion based on the spending by the localities for drug enforcement.

Now how they go about doing that, we don't have the authority under the statute to mandate a particular procedural practice.

Mr. GILMAN. You're not restricting or requiring that the funds be distributed on a regional basis, are you?

Mr. LANDERS. No, no. Absolutely not.

Mr. GILMAN. Then the city could very well benefit from that?

Mr. LANDERS. The State can pass that to localities. The state can decide that it wants to grant all that directly to major program areas. That's totally up to the state in terms of how it's going to take care of that.

Mr. GILMAN. Well, Ms. Ochi, you had some concern about that. Do you want to respond to that?

Ms. OCHI. The State has, pretty much as I said, a probate discretion. So they're going to, of course, exercise it. And I don't think, as Mr. Landers points out, that they do not have any discretion to instruct them as to how that local distribution takes place.

Those criminal justice numbers refers to the ratio of the aggregate amount that goes to the pass-through to the municipalities. And under the BJA Program, the Bureau of Justice Assistance

Programs, our experience says that the State will conduct an RFP process.

And that means they just put out initiatives, and they go out for bids. Then what happened is after you encourage your department to develop a proposal and submit it, you're not going to succeed, and then the governor's office is going to take those moneys and sprinkle them around the State so that everyone gets a piece of the action.

And my boss is a rival of the governor and so we didn't see any money under the BJA program. And we're not going to see any under this program because—-

Mr. GILMAN. If I might interrupt.

Mr. Landers, what can we do to prevent that from happening, where we have a major problem in a major city?

Mr. LANDERS. Again, I think the Chairman expressed the problem. That unless you have the structure that mandates grants to a particular urban area, I don't think you could have a system. I think the best you could do is what we're trying to do, and that is encourage and do everything we can to ensure that the States are developing a program that will get the money to those areas where it's needed.

But unless there's going to be some legislative program that mandates the States give a certain portion to major urban areas——

Mr. GILMAN. Well, why can't that be done in mandated regulations. As you set forth the regulations, why can't you prescribe that there will be a fair distribution and that the cities will not be neglected?

Mr. LANDERS. Well, we have. And we have said that what they have to do is give us the names and addresses to the areas of need. Quite honestly, we don't think that in the statute, itself, although we'll certainly look at it, that it gives us the authority to tell them that there must be a particular pass-back to the cities.

But we have told them that what they have to do is allocate it on a basis of need. And we think that's the most we can do under the statute.

Mr. GILMAN. Mr. Cuniff, I see you shaking your head. You have some concern about this. Could you state your concern?

Mr. CUNNIFF. All right. This is a classic problem. First of all, in terms of eliciting needs from localities. The eliciting of needs can become a very cheap process, where the State will hear from Los Angeles or from Milwaukee, but then proceed to ignore those needs of those major urban areas putting together its application. Part of this has to do with the priorities of the state which can differ from the priorities of the locality. This is where we begin to get into the conflict. The City of Los Angeles, or the County of Los Angeles, or the City of Milwaukee has a much different perspective of what it perceives the problem to be.

And the State is saying, "Well, that may be but we have another concern." You'll hear back from the States that the larger jurisdictions have the sophistication to deal with this problem, and the areas that need the most help are the rural areas.

I'm not saying, we shouldn't help the rural areas. But the thrust of the problem, the large scope of the problem is in our urban areas. And we tend to get short-changed.

Mr. GILMAN. Did you have a recommendation of how to overcome that?

Mr. CUNNIFF. Well, all I can say is whenever I visit 633 Indiana, which is where BJA is located, BJA indicates that localities have no standing in the law and, therefore, BJA really can't help us.

And the Bureau of Justice Assistance is very reluctant to take on the State Governors, especially when the legislation says the State is the primary entity in dealing with this problem.

One suggestion I could make is that if the State, in putting together its application, report that the major urban areas are not getting at least their population share of the money, then the State should have given some very good reasons as to why that is occurring.

Such a requirement has never been imposed in any of the criminal justice block grant programs.

Mr. GILMAN. Mr. Landers, could something of that nature be advised?

Mr. LANDERS. We could certainly look at the application in that fashion. The only thing—I have to be candid with you, that is when we're dealing with the statute that doesn't specifically say that that's the criteria we should apply, we obviously have to be careful and the states will obviously deal with us on levels of saying, "Where does the statute come in and you can mandate certain things."

In our guidance, we can require that, and we are requiring that. But I think in terms of whether or not we can actually enforce the States to do this, there might be some problems.

Mr. GILMAN. Don't you think the intention of the legislation that we adopted was to get out to all of the areas in need?

Mr. LANDERS. Absolutely.

Mr. GILMAN. Then do we really need some additional language? Are you suggesting that we need some additional statutory language to accomplish what Mr. Cunniff and Ms. Ochi and——

Mr. LANDERS. If what we're looking at is that of urban areas, the only way that we could do that is by saying that the State strategy either does or does not comport with what the statute allows.

And the statute requires that money go back to localities—we're attributing that to saying it has to go back to localities to the areas of needs and demonstrate them.

I think if we start saying that beyond that, if we're going to mandate that it go to certain particular urban areas, the State very well may say, "No. That's not what the statute allows you to do." I quite honestly don't know. But I do think that that's a risk that they could do.

We'll do everything we can to encourage them to get to the major urban areas. But I don't think, when it comes to having a stick to force them to do it that we have that stick under legislation.

Mr. GILMAN. I would hope you tend to buy something without the necessity of further mandates.

The gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. I don't much like mandates either and that one seems to have a lot of flaws in it.

It would seem to me that if we just used a Community Involvement Block Grant formula for our states, as it exists, that the states could solve the problem.

What would you feel on Los Angeles?

Ms. OCHI. It was very helpful under the LEAA Program when we had to fight these battles in the first few years when there wasn't any precise language or created any role in terms of planning for urban areas, then we were able to plan for the money.

And in the last reauthorization of in JSIA, there was a specific provision for major urban centers. And then we didn't have to be spending our time bickering and hassling. We spent our time determining priorities that fit our needs, and that we were assured of some funding.

Mr. MCKINNEY. Mr. Landers, I suggest the Justice Department look at something like CDPT which has been around. The mayors will fight over it. They've been fighting over it for years and we've settled most of the problems between them.

And, of course, Connecticut is a small State. California is a gigantic State. But they both saw the problem pretty much the same way. They've both arrived at a fairly equitable percentage distribution of funds, or at least they say it's equitable; I won't argue the point.

It's a starting place; I'm not going to question you much or criticize you, Mr. Landers. I'd really like to have in front of me Mr. Miller followed by Mr. Meese and find out just where in God's name they think they get off determining the wish of Congress.

But anyway, we'll do that another day. And believe me, it will be done. I've got to see Mr. Miller for many reasons, Mr. Gilman, many reasons.

One of the things I want to ask you is why Connecticut isn't on your list. Is that Connecticut's fault, is the plan no good, or haven't they submitted it yet?

Mr. LANDERS. If they haven't made an application, if they're not listed among the States, it's up to them. The first thing they have to do is make the application.

Mr. MCKINNEY. So in other words, I can get on the phone this afternoon with a fair assurance of my crassness and say, "Governor, move your butt"?

Mr. LANDERS. As I understand it, there has not been an application from Connecticut at this time.

Mr. MCKINNEY. Thank you, Mr. Gilman. That's all the questions I have.

And, Mr. Landers, I just wanted to say that I'm sorry I had to go to the Capitol for a press conference.

I also wanted to say that I likened you to my colleague who was sitting here when we started, a little bit like the man who was about to be guillotined, watching the guillotine sharpeners polish and sharpen the guillotine out in the yard. But please rest assured that we have not been attacking you personally.

It might be a little different if Mr. Meese and Mr. Miller were here. Then there would be quite a bit of personality involved. We have a dire crisis here caused by a non-elected Federal official

whose object it is to report, but who skewers our housing programs, drug programs, Block Grant programs, transportation programs, and everything else right, left and center.

And most of us are at a certain high level of irritation, be we Conservative, Republican or Liberal Republican or Democrat. And I appreciate your putting up with what I know has not been a most comfortable morning.

Thank you very much.

Mr. LANDERS. Mr. McKinney, if I might, the application from Connecticut was February 25. On February 25, it was received.

Mr. MCKINNEY. How long would it take them to process that application and award them the money, supposedly?

Mr. LANDERS. Normally, it has taken only a few days, I believe. I'll check on that when I get back to the office.

Mr. MCKINNEY. Because even though Bill O'Neill is a Democrat, he's one of my best friends and has been for 25 years and I really don't want to scream at him. So that saves me from that unpleasant task.

Mr. LANDERS. It's February 25. We should be getting it out this week or next.

Mr. MCKINNEY. OK. So they were just a little slow to the gate. OK. Thank you very much.

Mr. GILMAN. I thank the gentleman from Connecticut.

Mr. Jurith.

Mr. JURITH. Mr. Landers, the statute that Mr. Schoewe points out deals in the pro rata per locality. Is it your testimony that's how the Department is interpreting that? Is it that a requirement of the State's passthrough, that they pass through that amount?

Mr. LANDERS. They would have to establish certain programs that they're going to establish to do that. And, again, as I said, what we—the way we do it is that those programs have to be based on needs, where there's a demonstrated need, and those are the programs that would be funded.

Mr. JURITH. All right. What I'm saying is that it's your view of the statute that the State plan will identify which locality when we see this money?

Mr. LANDERS. Not necessarily because at the strategy point, where we're looking at it, this isn't something they have to do now. They will simply identify the programs and needs.

The actual grant to localities is going to be something the States will do after they receive their funds. So they can, in fact, say, "These are the cities we're going to fund," but that's not a necessary requirement under the State strategy to identify the particular localities that are going to be funded.

Mr. JURITH. I thought your testimony was that the States would identify the needs and not necessarily identify which localities fit that criteria.

Mr. LANDERS. Correct.

Mr. JURITH. Why could you not as equally come to the conclusion—I mean, you've come to that conclusion, that interpretation of the statute. And clearly there's nothing in the statute, or in the debate, that leads to that conclusion.

Why could you not as easily come to the conclusion that the formula requires a passthrough that each locality be based upon their pro rata share of spending?

I submit to you that that conclusion could just as easily been reached as the one that you have done.

Mr. LANDERS. We'll examine that. You know, I am not aware of a specific reason why we couldn't. Our analysis so far has not done it. We'll look at it. If it can be done, we'll take a look at it. Certainly.

Mr. JURITH. Thank you.

Mr. GILMAN. Mr. Schoewe, did you have any further comments?

Mr. SCHOEWE. Just to say that we appreciate very much the opportunity to be heard, and we appreciate the comments by the members today. And the comments that we've heard from both sides of the aisle have been, I think, supportive of the positions that we have taken over time.

Again, thank you very much.

Mr. GILMAN. Mr. Cunniff.

Mr. CUNNIFF. I just echo those comments.

Mr. GILMAN. Mr. Landers, any closing comments?

Mr. LANDERS. Well, Mr. Gilman, the only parting comment that I make is that we stand ready to administer the program to the States and localities in the best fashion. And certainly all the concerns that you have we'll address and attempt to get those moneys back to localities as well as to the States.

Mr. GILMAN. Well, Mr. Landers, I hope that you will address these hearings in an open mind. I think there was a lot of good constructive suggestions that came out of the hearing this morning.

I want to thank our witnesses who came such a long distance to appear and to make their recommendations with regard to this program. We're all interested in the same thing, to properly implement it, to make it as effective as effective as possible, to stretch the dollars as far as we can in the most expeditious manner.

And I hope that you will address some of these recommendations that have been made today.

Ms. Ochi.

Ms. OCHI. I would just like to make a closing comment. I have a communication from your Committee which described the legislation. There's a phrase in there about using criminal justice expenditures of each jurisdiction as a measure of what we should be receiving.

However, the document that came out from Justice indicates criminal justice expenditures of all local governments, and that just determines the ratio local governments receive, not individual jurisdictions.

Mr. JURITH. All right. To follow up on that, Mr. Landers, were you saying that if that's the case, Ms. Ochi's interpretation is correct, or are you saying that once the State determines the allocation of how much it has to allocate the local unit, they can make that determination in terms of what they see back to the focussed need?

Mr. LANDERS. On the basis of need. Yes.

Mr. JURITH. On the basis of need. Good. Thank you.

Mr. GILMAN. Before we wind up, the gentleman from Pennsylvania has been in and out of the hearing. I know he's had several other committees that have been going on requiring his attendance this morning.

I recognize the gentleman from Pennsylvania, Mr. Coughlin.

Mr. COUGHLIN. Thank you very much, Mr. Chairman.

I just wanted to direct my inquiry particularly to Justice. I'm sitting upstairs and on another hearing on the Coast Guard, and I was under a certain amount of frustration, or more than a certain amount, I guess, about the policy for it which under the Omnibus Drug Act of last year, puts in Justice the lead operation of developing an overall study of the plan.

And part of that is to make recommendations for the Coast Guard and Custom Services and see if we can come up with some kind of a plan. The Coast Guard hasn't gotten any direction from the Justice Department. And insofar as the Customs Service, the result is that the Coast Guard is now building a navy to chase drugs and build an air force; the Customs Service is building a navy and building an air force.

Both of them are getting UTC's to chase drug runners. You know, very expensive stuff. Both of them are building high-speed boats, and they're chasing each other. Now, the Coast Guard is chasing the Customs Service, the Customs Service is chasing the Coast Guard, and there is not any direction to them as to who is to do what.

And I said well, maybe we should say to the Coast Guard, "Well you take the jurisdiction for Florida and give the Custom Service the Gulf Coast." But we're wasting a pile of dough; just a pile of dough in duplicative efforts in this area.

So I'm going to come down from that meeting to this meeting and say we need some guidance in the worst way, and these agencies need some guidance in the worst way or we're going to fritter away big, big bucks.

Can you comment what the status of the Drug Policy Board is and what is——

Mr. LANDERS. Yes. To be very honest with you, I'm not involved with the Drug Policy Board at all. I'm only involved in the drug aspect through the State and Local Law Enforcement Assistance programs.

Mr. COUGHLIN. Who coordinates that effort?

Mr. LANDERS. The local Law Enforcement——

Mr. COUGHLIN. No. The Drug Policy Board?

Mr. LANDERS. That's out of the Attorney General's Office. And I really don't—I'm not qualified to speak.

Mr. GILMAN. Are you part of the Attorney General's Office?

Mr. LANDERS. I'm in the Associate Attorney General's Office but I'm not involved in—I'm not involved in the Drug Policy Board.

Mr. GILMAN. The concerns that the gentleman are sending forth is a very real concern. And can you——

Mr. LANDERS. Certainly, I will.

Mr. GILMAN. Can you also let us know who do we talk to?

Mr. LANDERS. I will find that out.

Mr. GILMAN. Whose in charge?

Mr. LANDERS. I honestly do not know. I will find it out for you and convey your concerns.

Mr. COUGHLIN. If the gentleman will yield?

Counsel informs me that if we wrote to the Drug Policy Board requesting a meeting with the Board, this Committee to meet with the Board in an informal session to discuss strategy and some of the concerns of the gentleman from Pennsylvania discussed, and we sent that a month ago and have yet to receive a response.

Mr. LANDERS. Again, I will talk to whoever I can. I will find out for you who the point of contact is and let you know.

Mr. COUGHLIN. I'd like to read questions from that hearing and tell you what the response was. Section 107, Appellate Law 99.464, "Requires the development of an overall Drug Abuse and Prevention Program that coordinates the Governments in combating his war on drugs."

Their answer is, and they have submitted their recommendation as to what their function should be but that's as far as anyone has ever gotten. So I don't know who it was submitted to and who is in charge of putting that together.

But I do know that they are both proceeding to buy boats, buy aircraft, you know, engage in a totally duplicative effort at great expense.

Mr. LANDERS. I will say, I may, perhaps, misunderstood your question to be those particular inputs, those comments, were directed to the Associate Attorney General, Mr. Trott, and the Attorney General, himself.

The Attorney General is Chairman of the Drug Policy Board, and he's the one who is coordinating it. In terms of who, on the Attorney General's staff is actually staffing it, that's what I'm going to look for. I will find that out for you.

I will also find out who will be the person operationally that is staffing it up for you, and also find out about your request to have a meeting with the committee so that we can move that along.

Mr. GILMAN. Will you have, whoever it is in charge of that staffing, get back to the gentleman from Pennsylvania?

Mr. LANDERS. Absolutely.

Mr. GILMAN. Thank you.

No further questions. I thank the panelists, Mr. Landers. We appreciate your being here.

The Committee stands adjourned.

[Whereupon, at 12:10 p.m., the committee was adjourned.]

[Prepared statements follow:]

OPENING STATEMENT

OF

CHARLES B. RANGEL
CHAIRMAN

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

FOR OVERSIGHT HEARING ON

THE ANTI-DRUG ABUSE ACT OF 1986

DEPARTMENT OF JUSTICE GRANT PROGRAMS FOR

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

MARCH 4, 1987

GOOD MORNING,

TODAY THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL WILL CONDUCT THE SECOND IN ITS SERIES OF OVERSIGHT HEARINGS ON THE IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT OF 1986 (P.L. 99-570). TODAY'S HEARING WILL FOCUS ON THE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROVISIONS OF THE ACT.

IT WAS ONLY 4 MONTHS AGO, ON OCTOBER 27, 1986, THAT THE PRESIDENT SIGNED THE ANTI-DRUG ABUSE ACT INTO LAW. I REMEMBER QUITE VIVIDLY THE FANFARE THAT PERMEATED THAT CEREMONY. MORE IMPORTANTLY, I RECALL THAT WE WHO HAD BEEN INVOLVED WITH DRUG TRAFFICKING AND ABUSE ISSUES FOR MANY YEARS FELT THAT A MAJOR BREAKTHROUGH HAD BEEN ACHIEVED. WE FELT THAT THE SIGNING OF THIS ACT EVIDENCED THE ADMINISTRATION'S STRONG AND SINCERE COMMITMENT AND WILLINGNESS TO WORK WITH THE CONGRESS IN FORGING EFFECTIVE ANTI-DRUG PROGRAMS.

THE ANTI-DRUG ABUSE ACT OF 1986 IS AN HISTORIC PIECE OF LEGISLATION. FOR THE FIRST TIME IN OUR HISTORY, WE HAVE A COMPREHENSIVE FEDERAL PROGRAM WHICH ATTACKS DRUG TRAFFICKING AND ABUSE. INDEED, IT WAS THE INTENT OF A BI-PARTISAN HOUSE AND SENATE TO FORM A UNITED FRONT AGAINST THE CRISIS OF DRUG TRAFFICKING AND ABUSE WHICH THREATENS THE SAFETY AND WELFARE OF COUNTRY.

IT WAS OUR INTENT, BY PASSAGE OF THE ACT, TO SEND A STRONG SIGNAL TO THE PUBLIC, OUR DEDICATED LAW ENFORCEMENT OFFICERS, OUR EMBATTLED CRIMINAL JUSTICE SYSTEM, TRAFFICKERS, AND NARCOTICS SOURCE AND TRANSIT COUNTRIES. THE SIGNAL WAS THAT WE IN THE CONGRESS AND THE EXECUTIVE, WE IN THE UNITED STATES WERE COMMITTED TO RIDDING OUR SOCIETY OF THE SCOURGE OF DRUG TRAFFICKING AND ABUSE.

THE ACT ADDRESSES EVERY ASPECT OF OUR NATION'S DRUG ABUSE PROBLEM: INTERNATIONAL NARCOTICS CONTROL, TOUGHER CRIMINAL PENALTIES AGAINST DRUG DEALERS AND MONEY LAUNDERERS, SIGNIFICANT ADDITIONAL RESOURCES TO BE UTILIZED IN DRUG INTERDICTION, AND IMPROVED DRUG TREATMENT, REHABILITATION, PREVENTION AND EDUCATION. SUCH A COMPREHENSIVE STRATEGY IS ESSENTIAL TO CONFRONTING THE PROBLEM EFFECTIVELY IN ORDER TO WIN THE WAR.

YET, WHILE WE, IN BOTH HOUSES OF CONGRESS, DID NOT DELUDE OURSELVES INTO THINKING THAT THIS LEGISLATION WOULD BE THE MAGIC PILL, THE PANACEA, WE ALSO KNEW IT WAS A GOOD START. THE ACT WAS TO BE A FIRST STEP IN DEVELOPING A COMPREHENSIVE DRUG ABUSE POLICY. THAT WAS WHAT WE SAID ON OCTOBER 27, 1986. WE KNEW THAT MUCH MORE WOULD NEED TO BE DONE. WE IN CONGRESS WOULD HAVE TO MONITOR IMPLEMENTATION OF THE ACT TO ENSURE THAT IT WAS BEING CARRIED OUT EXPEDITIOUSLY AND EFFECTIVELY. LIKEWISE WE WOULD NEED TO ENSURE THAT APPROPRIATE FOLLOW-UP ACTIONS ARE TAKEN TO SOLIDIFY AND EXPAND THE GAINS MADE POSSIBLE BY THIS LEGISLATION.

LAST WEEK WE STARTED THIS OVERSIGHT PROCESS BY FOCUSING ON THE DRUG ABUSE EDUCATION GRANT PROGRAM. TODAY WE CONTINUE WITH

THIS, OUR SECOND OVERSIGHT HEARING. WE WELCOME AMONG OUR DISTINGUISHED WITNESSES, THE HONORABLE ED KOCH, MAYOR OF NEW YORK CITY AND THE HONORABLE JOSEPH RILEY, MAYOR OF CHARLESTON, SOUTH CAROLINA AND PRESIDENT OF THE U.S. CONFERENCE OF MAYORS. WE WILL RECEIVE TESTIMONY FROM THESE TWO DISTINGUISHED LEADERS AS WELL AS FROM REPRESENTATIVES OF THE U.S. DEPARTMENT OF JUSTICE, AND FROM TWO OF THIS NATION'S OUTSTANDING CRIMINAL JUSTICE PLANNERS. WE WILL ASK THESE WITNESSES TO ASSIST US IN OUR OVERSIGHT MISSION BY REPORTING ON THEIR ACTIVITIES UNDER THE ACT, ASSESSING FUTURE NEEDS, AND HIGHLIGHTING AREAS OF CONCERN. ULTIMATELY, WE WANT TO FIND OUT WHAT WORKS, WHAT DOESN'T WORK, WHERE ADDITIONAL RESOURCES ARE NEEDED, AND WHAT NEW PROGRAMS AND AUTHORITIES WOULD ENHANCE OUR COLLECTIVE EFFORTS.

BY NOW, MANY OF YOU KNOW THAT THE ADMINISTRATION'S 1988 BUDGET PROPOSES SIGNIFICANT REDUCTIONS IN FUNDING LEVELS AUTHORIZED IN THE ACT. ALL OF US WHO HAVE WORKED SO HARD OVER THE YEARS, AND WHO HAD FINALLY BEGUN TO REALIZE A DREAM FULFILLED WITH THE ENACTMENT OF THIS LAW, WERE SHOCKED AND ANGERED BY THIS ACTION PARTICULARLY WHEN CONGRESS HAD NOT HAD AN OPPORTUNITY TO EVALUATE THE ACT'S EFFECTIVENESS. CLEARLY, THIS RAISES SERIOUS QUESTIONS ABOUT THE ADMINISTRATION'S COMMITMENT TO DRUG ABUSE PREVENTION AND CONTROL EFFORTS.

OF PARTICULAR CONCERN TODAY ARE THE PROPOSED CUTS IN THE STATE AND LOCAL NARCOTICS PROGRAM. IN OUR HEARINGS AROUND THE COUNTRY, THE SELECT COMMITTEE HAS SEEN HOW DRUG TRAFFICKING HAS OVERWHELMED LAW ENFORCEMENT AGENCIES. OUR BORDERS ARE A SIEVE AGAINST THE FLOOD OF ILLICIT NARCOTICS TRAFFIC. FEDERAL LAW EN-

FORCEMENT OFFICIALS FROM CUSTOMS, COAST GUARD, BORDER PATROL, THE DRUG ENFORCEMENT ADMINISTRATION AND OTHERS HAVE TESTIFIED THAT THEIR AGENCIES CAN DO LITTLE TO REDUCE DRUG AVAILABILITY. STATE AND LOCAL OFFICIALS HAVE TESTIFIED THAT THEIR STREETS, THEIR COURTROOMS AND THEIR JAILS ARE OVERCROWDED WITH DRUG TRAFFICKERS. TOO OFTEN OUR STATE AND LOCAL OFFICIALS ARE OUTGUNNED AND UNDEREQUIPPED IN COMPARISON TO THE TRAFFICKERS.

THE ANTI-DRUG ABUSE ACT IS A RECOGNITION OF THE FACT THAT DRUG TRAFFICKING AND DRUG ABUSE IS A NATIONAL PROBLEM THAT REQUIRES A COMPREHENSIVE FEDERAL RESPONSE. AN INTEGRAL PART OF THAT RESPONSE IS AN EFFECTIVE WORKING PARTNERSHIP WITH STATE AND LOCAL GOVERNMENTS.

ALL OF THE COCAINE AND HEROIN AND MOST OF THE MARIJUANA ABUSED IN COMMUNITIES THROUGHOUT AMERICA IS SMUGGLED INTO THE UNITED STATES FROM ABROAD. IF THE STATE DEPARTMENT CANNOT HALT THE PRODUCTION OF ILLICIT DRUGS IN SOURCE COUNTRIES THROUGH DIPLOMACY, AND IF OUR INTERDICTION EFFORTS CANNOT SEIZE A SIGNIFICANT AMOUNT OF DRUGS TO APPRECIABLY REDUCE DRUG AVAILABILITY ON OUR STREETS, THEN THE FEDERAL GOVERNMENT HAS THE RESPONSIBILITY TO ASSIST STATE AND LOCAL GOVERNMENTS IN ~~ARRESTING~~ ASSISTING WITH THIS SERIOUS PROBLEM. WE IN CONGRESS ACKNOWLEDGED THAT RESPONSIBILITY WHEN WE PASSED THE ACT. WE THOUGHT THAT IN SIGNING THE ACT INTO LAW, THE ADMINISTRATION WAS ALSO ACKNOWLEDGING THIS RESPONSIBILITY. WERE WE WRONG? HAS THE ADMINISTRATION ABANDONED THIS RESPONSIBILITY? PERHAPS TODAY WE WILL COME CLOSER TO RECEIVING AN EXPLANATION OF THE ADMINISTRATION'S PROPOSED CUTS OF $225 MILLION IN DRUG LAW ENFORCEMENT GRANTS TO STATE AND

LOCAL AGENCIES. PERHAPS TODAY WE WILL LEARN WHY THE ADMINISTRATION HAS CHOSEN TO TAKE A GRANTS PROGRAM WHICH WAS INTENDED, UNDER THE ACT, TO LAST FOR AT LEAST THREE YEARS, AND TURN IT INTO A ONE YEAR, ONE TIME GRANT PROGRAM.

BEFORE HEARING FROM OUR WITNESSES, I YIELD TO ANY OTHER MEMBERS OF THE COMMITTEE WHO WISH TO MAKE OPENING STATEMENTS.

STATEMENT OF THE HONORABLE JAMES H. SCHEUER
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL
MARCH 4, 1987

I WANT TO WELCOME OUR DISTINGUISHED WITNESSES TO WASHINGTON, PARTICULARLY ED KOCH, THE MAYOR OF MY HOME TOWN.

DESPITE ALL OF THE FEDERAL PROGRAMS AIMED AT HALTING THE FLOW OF ILLEGAL DRUGS INTO OUR COUNTRY, VIRTUALLY ANYONE CAN BUY DRUGS ON THE STREET CORNERS OF EVERY CITY, TOWN AND HAMLET ACROSS THE LENGTH AND BREADTH OF OUR NATION.

OUR LAST LINES OF DEFENSE ARE OUR STATE AND LOCAL LAW ENFORCEMENT OFFICIALS, WHO ARE OFTEN OUTSPENT, OUT-MANNED, AND OUT-GUNNED BY THOSE WHO MAKE A LIVING OUT OF POISONING THE MINDS AND BODIES OF OUR CHILDREN WITH ILLEGAL DRUGS.

(MORE)

ILLEGAL DRUG ABUSE IS ALSO A FACTOR IN MUCH OF THE CRIME IN OUR CITIES.

OUR LOCAL LAW ENFORCEMENT OFFICIALS MUST NOT ONLY BATTLE DRUG ABUSE, ~~THEY~~ but also THEY MUST BATTLE THE CRIMES THAT DRUG ABUSE SPAWNS.

CONSIDER THE RECENT NATIONAL INSTITUTES OF HEALTH STUDY THAT SHOWED A DISTINCT CORRELATION BETWEEN DRUG USE AND CRIMINAL ACTIVITY IN NEW YORK CITY.

THE STUDY SHOWED THAT:

90 % OF THOSE CHARGED WITH SELLING ILLEGAL DRUGS TESTED POSITIVE FOR COCAINE USE;

MORE THAN 80 % OF THOSE CHARGED WITH ROBBERY AND MORE THAN 70 % OF THOSE CHARGED WITH BURGLARY HAD COCAINE IN THEIR BLOOD STREAMS.

(MORE)

ONLY LAST YEAR, THE CONGRESS PASSED THE ANTI-DRUG ABUSE ACT OF 1986 IN AN EFFORT TO PROMOTE A COMPREHENSIVE WAR AGAINST DRUGS ON ALL FRONTS.

THE PRESIDENT SPOUTED GLOWING RHETORIC ABOUT THE NEED TO BATTLE DRUGS.

THE ADMINISTRATION URGED OUR YOUTH TO "SAY NO TO DRUGS."

BUT NOW WE FIND THE ADMINISTRATION "SAYING NO" TO DRUG FUNDING.

REAGAN IS CUTTING $225 MILLION IN DRUG LAW ENFORCEMENT GRANTS TO STATE AND LOCAL AGENCIES.

OUR LAST LINE OF DEFENSE AGAINST DRUG ABUSE IS BEING DECIMATED.

LET'S FACE IT. MOST LOCAL GOVERNMENTS DON'T HAVE THE RESOURCES TO BATTLE DRUG ABUSE WITHOUT FEDERAL HELP.

(MORE)

I LOOK FORWARD TO THE TESTIMONY FROM OUR MAYORS AND CRIMINAL JUSTICE EXPERTS AND I HOPE THE ADMINISTRATION LISTENS TO THEIR CONCERNS AND NEEDS.

I AM ALSO INTERESTED IN HEARING MR. LANDERS' EXPLANATION AS TO WHY THE ADMINISTRATION HAS CHOSEN TO GUT THE COMPREHENSIVE DRUG LAW BEFORE IT HAS HAD TIME TO WORK.

THANK YOU, MR. CHAIRMAN.

# # #

OPENING STATEMENT

OF

THE HONORABLE BENJAMIN A. GILMAN

RANKING MINORITY MEMBER

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

FOR OVERSIGHT HEARING ON

THE ANTI-DRUG ABUSE ACT OF 1986

DEPARTMENT OF JUSTICE GRANT PROGRAMS FOR

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

MARCH 4, 1987

THIS SECOND IN OUR SERIES OF OVERSIGHT HEARINGS IS MEANT TO DELVE INTO THE LAW ENFORCEMENT PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1986.

WHEN THE ACT WAS DEBATED ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES, IT WAS WIDELY ACKNOWLEDGED THAT WHILE STATE AND LOCAL LAW ENFORCEMENT OFFICIALS WERE WILLING TO DEVOTE ADDITIONAL TIME, MANPOWER, EQUIPMENT AND FUNDING TO INTERDICTING AND PROSECUTING ILLICIT SUBSTANCES, THEY QUITE CLEARLY LACKED THE SUBSTANTIAL RESOURCES NEEDED TO ACCOMPLISH THIS GOAL.

CONGRESS, IN RESPONDING, AUTHORIZED $230 MILLION PER YEAR FOR FISCAL YEARS 1987-89 FOR THESE EFFORTS, THEREBY ACKNOWLEDGING THE CLEAR FEDERAL RESPONSIBILITY IN FIGHTING OUR "WAR ON DRUGS."

FOR FISCAL YEAR 1987, $225 MILLION WAS APPROPRIATED FOR GRANTS TO SUPPLEMENT STATE AND LOCAL DRUG LAW ENFORCEMENT PROGRAMS. FY 1987 FUNDING IS IN THE PROCESS OF BEING DISPENSED AT THIS TIME, WITH THE BUREAU OF JUSTICE ASSISTANCE AT THE JUSTICE DEPARTMENT ISSUING NECESSARY INFORMATION TO THE STATES.

YET, WITH THE ANNOUNCEMENT OF THE ADMINISTRATION'S FY 1988 BUDGET, WE WERE SHOCKED AND ANGERED TO LEARN THAT THE $225 MILLION INFUSION OF FUNDS FOR FY 1987 WAS TO BE CONSIDERED A ONE-TIME EFFORT.

74-244 0 - 87 - 3

I SYMPATHIZE WITH STATE AND LOCAL OFFICIALS, WHO MUST NOW GRAPPLE WITH THE QUESTION OF WHETHER TO APPLY THEIR 1987 FUNDS TO A ONE-TIME PROGRAMMATIC EFFORT, OR WHETHER THEY SHOULD RELY ON CONGRESS TO RECTIFY THIS SITUATION AND PROCEED TO ALLOT 1987 FUNDS TO BEGIN A LONGER TERM PROJECT.

I FIND THE ADMINISTRATION'S FY 1988 DRUG BUDGET PROPOSALS UNFAIR ON SEVERAL COUNTS: FIRST, THE PROGRAMS HAVE NOT BEEN GIVEN THE OPPORTUNITY TO ESTABLISH A TRACK RECORD OF THEIR OWN UNDER THIS NEW FUNDING MECHANISM, AND SECOND, STATE AND LOCAL GOVERNMENTS ARE PUT IN THE UNTENABLE POSITION OF HAVING TO ESTABLISH CONTINGENCY PLANS SPANNING THE FUNDING SPECTRUM.

WE WILL NOT MAKE ANY HEADWAY WHATEVER IN THIS BATTLE IF WE ARE NOT ORGANIZED IN A COMPREHENSIVE MANNER, FROM THE FEDERAL GOVERNMENT ON DOWN.

IN TODAY'S SESSION, I LOOK FORWARD TO LEARNING FROM OUR DISTINGUISHED FORMER COLLEAGUE, MAYOR ED KOCH OF NEW YORK CITY, AS WELL AS FROM THE PRESIDENT OF THE NATIONAL CONFERENCE OF MAYORS.

FURTHERMORE, I THINK THIS HEARING WILL BE A GOOD OPPORTUNITY FOR THE REPRESENTATIVE FROM THE DEPARTMENT OF JUSTICE TO HEAR THE PERSPECTIVE OF OUR OTHER WITNESSES. THE NATIONAL ASSOCIATION OF CRIMINAL PLANNERS IS WELL-REPRESENTED TODAY, AS IS THE CITY OF LOS ANGELES.

I LOOK FORWARD TO A CANDID DISCUSSION OF THE ISSUES TODAY, AND HOPE THAT TOGETHER WE CAN WORK TO ENSURE THE INTEGRITY OF THE LAW ENFORCEMENT PROGRAMS AUTHORIZED BY THE ANTI-DRUG ABUSE ACT.

######

Department of Justice

STATEMENT

OF

WILLIAM J. LANDERS
DEPUTY ASSOCIATE ATTORNEY GENERAL

BEFORE

THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL
HOUSE OF REPRESENTATIVES

CONCERNING

IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT OF 1986

ON

MARCH 4, 1987

I am pleased to testify this morning on behalf of the Department of Justice concerning implementation of the grants program to the states for drug enforcement that was created by the Anti-Drug Abuse Act of 1986.

As you know, Mr. Chairman, Subtitle F of the Act--the State and Local Law Enforcement Assistance Act of 1986--authorizes the Department's Bureau of Justice Assistance, a component of the Office of Justice Programs, to "make grants to the States, for the use of States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act..."

It also authorizes assistance for programs that improve the apprehension, prosecution, adjudication, detention, and rehabilitation of drug offenders; for eradication programs; treatment programs; and programs to focus on major drug offenders.

The Fiscal Year 1987 appropriation for the program is $225 million, with the bulk of the funds--$178 million--allocated for formula grants to the states. Each state is eligible to receive $500,000 with the balance of funds allocated according to the state's relative population. States are required to match Federal funds by 25 percent and must pass through to local units of government a share of the total state allocation that is equal the ratio of local criminal justice expenditures to total criminal justice expenditures in the state.

The Bureau of Justice Assistance has moved swiftly to implement this program. In doing so, BJA has been careful to obtain the maximum amount of input from Federal, state, and local agencies and to avoid Federal intrusiveness and red tape.

Early in November 1986, only a few days after the President signed the bill into law, BJA sent information describing the state and local assistance aspects of the Anti-Drug Abuse Act to all governors, or equivalent chief executive officers, as well as to the directors of the state offices that administer the justice assistance block grant program. The chief executives were asked to designate a state office to administer the new drug control program. To date, only one state has not yet done so.

In December, draft formula grant guidelines and a question-and-answer document designed to help the states further understand the new program were sent for comment to all state chief executives, U.S. Attorneys, state offices administering the BJA grant programs, and interested private groups. BJA currently is reviewing those comments before drawing up final guidelines.

Also in December, BJA received the first state applications for administrative funds. On January 6, 1987, BJA announced the first awards of these administrative funds, totaling more than $2.9 million, to seven states and the District of Columbia to allow these jurisdictions to begin to establish their federally-assisted drug law enforcement programs. By the end of February, 16 more of these administrative awards had been made.

The states that have received administrative funds are:

Alabama	$299,600
Washington, D.C.	88,900
Georgia	421,000
Idaho	112,400
Illinois	536,000
Indiana	391,300
Iowa	229,000
Kentucky	281,300
Michigan	160,000
Mississippi	212,200
Missouri	280,177
Montana	101,300
Nebraska	149,700
New Hampshire	111,900
New York	1,153,900
North Carolina	438,300
Ohio	716,900
Oklahoma	254,900
Pennsylvania	785,800
Virgin Islands	56,700
Virginia	404,200
Washington	323,700
West Virginia	170,200
Wisconsin	225,160

The total amount in administrative funds awarded so far is about $8 million.

The administrative funds comprise 10 percent of the state's total allocation under the program. Before receiving its full award, the Act requires each state to submit to BJA a statewide strategy for enforcing its drug laws. This statewide strategy must be prepared in consultation with state and local drug officials.

To help the states design their enforcement strategies and effectively administer this new drug control program, BJA is hosting three regional workshops this month--one here in Washington, one in Chicago, and one in San Francisco. In fact, the one in Washington begins this afternoon. The three-day workshops will include a discussion of the administrative, financial, and reporting requirements under the new program, development of the statewide strategy, and development of programs for each of the eligible program purposes.

BJA expects to begin receiving the statewide strategies, accompanied by applications for the full funding, from states that have received their administrative awards after these regional workshops. To date, however, no applications for full funding have been received. Once an application is received, BJA will complete the review process and make the award within 60 days, as required by the Act.

As you know, Mr. Chairman, the Act also authorizes BJA to administer a new discretionary grant program for drug control initiatives. The discretionary grant program is being designed to enhance state and local efforts in drug control through national and multi-state programs in the legislatively defined purpose areas.

To help establish priorities for discretionary grants under the new drug control assistance program, BJA asked for recommendations from more than 800 agencies, including national criminal justice associations, state justice assistance administrative agencies, state attorneys general, state supreme court justices and administrators, state departments of corrections, Law Enforcement Coordinating Committees, and many state and local criminal justice agencies.

BJA also has contacted other Federal agencies in an attempt to avoid duplication of effort and to identify drug programs that, based on research and evaluation, are likely to be successful.

BJA expects to publish a program announcement requesting proposals for projects under the discretionary grant portion of the drug control program in the near future. Most awards will be made through a competitive process, with the first awards made sometime this spring.

I believe you will agree, Mr. Chairman, that the Bureau of Justice Assistance has done an admirable job of implementing the new state and local narcotics control assistance program quickly, efficiently, and with a minimum of red tape for participating state and local governments. The Department of Justice is confident that this Federal seed money will help state and local governments to coordinate and improve their drug enforcement efforts so that they can then continue to build upon these efforts with state and local funds.

As you are aware, Mr. Chairman, the Administration has requested no funds for this grant program for Fiscal Year 1988. Critics have tried to show a dimunition of the national effort against drug abuse by ignoring the facts that (1) states can use Bureau of Justice Assistance funds for one-time capital expenditures; that (2) the monies appropriated can be used over a three-year period; and, (3) that some of the grants can be used by the states for start-up costs of multi-year programs.

In crafting its Fiscal Year 1988 budget, the Department has taken care to ensure that adequate resources are provided for its core functions--those functions that can only be carried out on the Federal level. We believe that scarce Federal dollars should be used for uniquely Federal functions, and that is why this Administration has sought each year to fund adequately the programs of the Bureau of Prisons, United States Attorneys, U.S. Marshals Service, Drug Enforcement Administration, and Federal Bureau of Investigation.

To be sure, we will continue to work closely with state and local governments in our fight against drugs. In this regard, the Department already administers a major program that significantly assists the states in their drug enforcement efforts--the Asset Forfeiture Program. We believe the equitable sharing of assets seized from drug dealers and others and forfeited by them is a better way for the Federal Government to assist the states and localities.

Sharing for this fiscal year is estimated at $28 million, with an FY '88 projection to top $30 million. When the President's FY '88 drug budget was prepared, this form of help for states and localities was taken into account. We believe this type of sharing represents the approach we should pursue with regard to states and localities and should replace the award of out-and-out Federal grants.

Before I move on to a discussion of the anti-paraphernalia provisions of the Act, Mr. Chairman, I would like to assure you that, should legislation be enacted appropriating additional funds for the state and local narcotics control assistance program, the Department will, of course, ensure that those funds are allocated to the programs authorized by the Act promptly, and that the program is administered in accordance with both the spirit and the letter of the law.

You have also asked about our efforts concerning enforcement of Subtitle O of the Anti-Drug Abuse Act of 1986, the "Mail Order Drug Paraphernalia Control Act." This Act created a new offense making it unlawful to offer for sale or transport in interstate commerce or to import drug paraphernalia. The Act was designed to support state and local efforts to stop the sales of drug paraphernalia by addressing the problems of mail order sales and the importation of drug paraphernalia.

The Postal Inspection Service has begun active enforcement of the mail order prohibitions of the Act. Similarly, the Customs Service has assumed responsibility for investigation of the import/export provisions of the Act. The activities of these two agencies should insure that Federal law enforcement efforts are directed at filling the loopholes that may exist with respect to state enforcement efforts.

The effectiveness of Federal efforts however, may be limited by some shortcomings in the statute itself. First, unlike the DEA Model Drug Paraphernalia Act, the Federal act contains no civil forfeiture provision. This may make it more difficult to act effectively in cases where there is sufficient evidence to meet the burden of proof in civil cases but not in criminal cases where the burden of proof is beyond a reasonable doubt.

Second, the definition of "drug paraphernalia" employed in the act may make it extremely difficult to prove violations. The requirement that the item be "primarily intended" for certain specified uses may preclude prosecutions where the item involved has multiple uses. Is an item that has two legitimate, although arcane, uses primarily intended for a drug-related use? This problem is further compounded by the exclusion from the Act of items that are "primarily intended" for use with tobacco.

We would be happy to work with the Congress to develop a narrower and more workable definition. We are confident that working together we can achieve an act that is enforceable and effective. In an effort to be of assistance, we have provided Committee staff with copies of a study commissioned by Director James K. Stewart of the National Institute of Justice concerning the drug paraphernalia problem.

Thank you Mr. Chairman, I would be happy now to respond to any questions you or Members of the Select Committee may have.

UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
TELEPHONE (202) 293-7330

STATEMENT BY

THE HONORABLE JOSEPH P. RILEY, JR.

MAYOR OF CHARLESTON

PRESIDENT, UNITED STATES CONFERENCE OF MAYORS

before the

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

U.S. HOUSE OF REPRESENTATIVES

MARCH 4, 1987

CHAIRMAN RANGEL, MR. GILMAN, MEMBERS OF THE COMMITTEE, I AM JOSEPH P. RILEY, JR., MAYOR OF CHARLESTON(SC) AND PRESIDENT OF THE UNITED STATES CONFERENCE OF MAYORS. IT IS A DISTINCT PRIVILEGE TO APPEAR BEFORE THIS COMMITTEE THIS MORNING. THE ANTI-DRUG ABUSE ACT OF 1986 WAS ENACTED INTO LAW BECAUSE OF YOUR LEADERSHIP AND UNWAIVERING COMMITMENT TO THE PRINCIPLE THAT OUR NATIONAL GOVERNMENT MUST RECOGNIZE AND CARRY OUT ITS CRITICAL ROLE IN THE NATION'S FIGHT AGAINST ILLEGAL DRUGS. WE ARE HERE THIS MORNING TO ASSURE YOU THAT WE, THE NATION'S MAYORS, WILL CONTINUE TO WORK WITH YOU TO MAKE CERTAIN THAT THE EFFECTIVENESS OF THIS IMPORTANT LAW IS IN NO WAY DIMINISHED. INDEED, WHERE NECESSARY, WE WILL WORK WITH YOU TO STRENGTHEN THE LAW.

THE ANTI-DRUG ABUSE ACT OF 1986 MARKS THE FIRST TIME THAT OUR NATIONAL GOVERNMENT HAS APPROACHED THE PROBLEM OF ILLEGAL DRUG TRAFFICKING AND ABUSE IN A COMPREHENSIVE MANNER. IT STRENGTHENS CRITICAL FEDERAL INTERDICTION EFFORTS, SUCH AS THOSE OF THE CUSTOMS SERVICE, THE COAST GUARD AND THE MILITARY, AND IT STIFFENS MANY FEDERAL CRIMINAL PENALTIES FOR DRUG-RELATED CRIMES. OF PARTICULAR IMPORTANCE IS THE ASSISTANCE IT PROVIDES TO STATE AND LOCAL GOVERNMENTS FOR DRUG EDUCATION, TREATMENT AND ENFORCEMENT PROGRAMS. IT ATTACKS OUR DRUG PROBLEM FROM ALL SIDES; IT IS AIMED AT REDUCING BOTH THE SUPPLY AND THE DEMAND. WITH THIS LEGISLATION THE FEDERAL GOVERNMENT IS NOW OUR ALLY IN THE WAR ON DRUGS.

I DON'T HAVE TO TELL YOU THAT THE DRUG PROBLEM IS NOT NEW TO OUR CITIES. OVER THE YEARS DRUG ABUSE HAS BEEN A CRITICAL ISSUE FOR MANY MAYORS. WE SEE THE DAMAGE THAT IT HAS INFLICTED IN OUR

CITIES AND ON OUR RESIDENTS. WE SEE THE CRIME RATE ESCALATING. WE SEE DRUG ABUSE AMONG YOUNG PEOPLE INCREASING AT AN ALARMING RATE. IT IS OUR CHARGE AS MAYORS TO MAKE SURE OUR CITIES ARE SAFE, AND TO PROTECT OUR CHILDREN'S FUTURES. THE SCOURGE OF DRUG ABUSE AND ILLEGAL DRUG TRAFFICKING PREVENTS US FROM MEETING THIS CHARGE.

BECAUSE THE OUTCOME OF THE NATIONAL WAR ON DRUGS IS SO CRITICAL TO THE HEALTH AND STABILITY OF OUR CITIES AND THEIR RESIDENTS, THE CONFERENCE OF MAYORS IS FIGHTING IT ON ALL FRONTS. WE WORKED WITH YOU AS HARD AS WE COULD TO SECURE ENACTMENT OF FEDERAL LEGISLATION, AND WE WILL DO THIS AGAIN. AND WE ARE ALSO FIGHTING HARD ON THE LOCAL FRONT:

- ON NOVEMBER 18 OF LAST YEAR OVER 500 CITIES IN ALL 50 STATES, PUERTO RICO AND THE DISTRICT OF COLUMBIA DECLARED D-DAY IN THE WAR ON DRUGS. PROCLAMATIONS WERE ISSUED, CITY COUNCIL AND COMMUNITY MEETINGS WERE HELD, SPECIAL PROGRAMS FOR CHILDREN TOOK PLACE, PRAYERS WERE OFFERED, AND URBAN RESIDENTS FROM ALL WALKS OF LIFE PLEDGED TO DO MORE IN THE FIGHT AGAINST DRUG ABUSE. WE SEE THE SUCCESS OF D-DAY, HOWEVER, AS JUST THE BEGINNING OF A LONG TERM COMMITMENT TO MAKING OUR CITIES DRUG FREE.
- LAST FALL WE ALSO ESTABLISHED A MAYORS' CLEARINGHOUSE ON DRUG CONTROL. ITS PURPOSE IS TO ASSIST CITIES IN SHARING INFORMATION ON EFFORTS UNDERWAY IN THE FIGHT AGAINST ILLEGAL DRUGS. WE HAVE COLLECTED INFORMATION ON A WIDE VARIETY OF EDUCATION, ENFORCEMENT AND TREATMENT PROGRAMS, AND ALSO ON

COMMUNITY TASK FORCES, ADVISORY COMMISSIONS AND OTHER MECHANISMS WHICH HAVE BEEN ESTABLISHED IN CITIES TO COORDINATE LOCAL ANTI-DRUG EFFORTS. IN NOVEMBER WE PUBLISHED AN ANNOTATED LISTING OF PROGRAMS SUBMITTED TO THE CLEARINGHOUSE.

- o THIS MONTH AND NEXT WE WILL BE HOLDING REGIONAL MEETINGS ON DRUG CONTROL FOR MAYORS AND POLICE CHIEFS. THESE MEETINGS WILL PROVIDE INFORMATION ABOUT THE PROVISIONS OF THE ANTI-DRUG ABUSE ACT -- IN PARTICULAR HOW TO TAKE ADVANTAGE OF THE STATE AND LOCAL ASSISTANCE PROGRAMS -- AND ABOUT EXEMPLARY DRUG CONTROL EFFORTS IN CITIES.

THESE ACTIVITIES ARE AN INDICATION OF THE PRIORITY WE PLACE ON CONTROLLING ILLEGAL DRUGS IN OUR CITIES. CITY EFFORTS HAVE BEEN CONSIDERABLE. BUT IT WILL TAKE A PARTNERSHIP OF ALL LEVELS OF GOVERNMENT AND THE PRIVATE SECTOR TO WIN THE WAR ON DRUGS.

IN OCTOBER 1986, WITH THE SIGNING OF THE ANTI-DRUG ABUSE ACT OF 1986, OUR NATIONAL GOVERNMENT JOINED THAT PARTNERSHIP.

WITH THE PRESIDENT'S FISCAL 1988 BUDGET PROPOSALS, THAT PARTNERSHIP WAS BETRAYED.

FUNDING FOR STATE AND LOCAL ENFORCEMENT EFORTS WAS TO BE ELIMINATED; NO NEW FUNDING WOULD BE PROVIDED FOR TREATMENT; AND FUNDING FOR EDUCATION PROGRAMS WAS TO BE CUT IN HALF. IN ADDITION, FUNDS FOR THE CUSTOMS SERVICE WERE TO BE CUT. THESE ARE ALL CRITICAL PARTS OF OUR NATION'S WAR ON DRUGS. AS WE WERE JUST GETTING GOING, OUR NEW PARTNER PULLED OUT, SENDING A STRONG SIGNAL TO THE NATION THAT OUR FIGHT AGAINST DRUGS WAS JUST A PHONEY, ELECTION-TIME PLOY. FOR YOU, MR. CHAIRMAN, FOR YOUR COLLEAGUES

74-244 O - 87 - 4

ON THIS COMMITTEE AND IN THE CONGRESS, AND FOR THE MAYORS OF AMERICA, WE KNOW THAT THIS IS NOT THE CASE.

WE ARE CONFIDENT THAT CONGRESS WILL MAKE CERTAIN THE FEDERAL GOVERNMENT REMAINS OUR ALLY IN THE WAR ON DRUGS. AS YOU REVIEW THE LEGISLATION AND CONSIDER CHANGES FOR NEXT YEAR, WE HAVE TWO KEY POINTS TO MAKE REGARDING ENFORCEMENT ASSISTANCE:

FIRST, THE FUNDS SHOULD BE INCREASED TO $625 MILLION PER YEAR, THE AMOUNT INCLUDED IN THE BILL THAT FIRST PASSED THE HOUSE. WITH ALL OF THE PURPOSES FOR WHICH THOSE FUNDS CAN AND SHOULD BE USED -- ENFORCEMENT, PROSECUTION, ADJUDICATION, CORRECTIONS AND ERADICATION OF PLANTS -- CLEARLY MORE FUNDS ARE NEEDED, AND $625 MILLION IS A MUCH MORE REALISTIC AMOUNT.

THE COSTS OF NARCOTICS ENFORCEMENT TO LOCAL GOVERNMENT ARE SUBSTANTIAL. THE DRUG PROBLEM AFFECTS NEARLY EVERY ASPECT OF LOCAL POLICE ACTIVITY. WE DO NOT FIGHT DRUG TRAFFICKING THROUGH THE NARCOTICS SQUAD ALONE, BUT THROUGH EVERY DIVISION IN OUR LOCAL POLICE DEPARTMENTS. THERE IS A CLEAR RELATIONSHIP BETWEEN DRUGS AND MANY YOUTH CRIMES, BURGLARIES, HOMICIDES, AND OTHER CRIMES. DRUGS ARE THREATENING URBAN LIFE IN THIS NATION. WE NEED HELP FROM OUR NATIONAL GOVERNMENT IF WE ARE TO FULFILL OUR CHARGE TO ASSURE THE PUBLIC SAFETY.

AS LOCAL OFFICIALS WE CANNOT HALT THE FLOW OF DRUGS INTO THIS NATION. THAT IS THE RESPONSIBILITY OF OUR FEDERAL GOVERNMENT. WHEN IT COMES TO STOPPING THE FLOW AT OUR BORDERS, HOWEVER, IT IS CLEAR THAT OUR BARK IS MUCH WORSE THAN OUR BITE. IF THE FEDERAL GOVERNMENT CANNOT FULFILL ITS RESPONSIBILITY TO PREVENT DRUGS FROM

ENTERING THE COUNTRY, THEN IT MUST HELP US RESPOND TO THE CONSEQUENCES OF ITS FAILED EFFORT: THE PRESENCE OF HUGE AMOUNTS OF ILLEGAL DRUGS IN OUR CITIES.

OUR SECOND POINT HAS TO DO WITH THE WAY IN WHICH THE FUNDS ARE ADMINISTERED. WHEN THE ANTI-DRUG ABUSE ACT OF 1986 WAS BEING DEBATED IN THE CONGRESS IT WAS IN THE CONTEXT OF GETTING HELP TO THE CITIES, TO THE TRENCHES IN THE WAR ON DRUGS. WHAT ACTUALLY PASSED THE CONGRESS WAS A BILL WHICH PROVIDES FUNDS TO THE STATES, WITH THE REQUIREMENT THAT A GOOD PORTION BE PASSED THROUGH TO LOCAL JURISDICTIONS. HERE IT IS FIVE MONTHS AFTER THE BILL WAS ENACTED AND, TO OUR KNOWLEDGE, NOT A SINGLE DOLLAR HAS REACHED A CITY TO ASSIST IN ITS ANTI-DRUG ABUSE EFFORTS. THE STATES ARE JUST BEGINNING TO DEVELOP THEIR STATE PLANS. OF FURTHER CONCERN IS THE FACT THAT WE ARE LIKELY TO HAVE VERY LITTLE SAY ABOUT HOW THE FUNDS WILL BE SPENT IN MANY OF OUR CITIES. WHILE WE CAN TRY TO PARTICIPATE IN THE STATE DECISION-MAKING PROCESS, THE GOVERNOR AND THE LEGISLATURE WILL HAVE THE AUTHORITY TO MAKE MANY OF THESE DECISIONS. THIS SYSTEM NEEDS TO BE CORRECTED.

MR. CHAIRMAN, WE APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE COMMITTEE THIS MORNING. YOU HAVE THE PLEDGE OF THE NATION'S MAYORS THAT WE WILL WORK WITH YOU AND DO WHATEVER IS NECESSARY TO ASSIST YOU IN YOUR EFFORTS IN THE CONGRESS. WE ARE ALLIES IN THE WAR ON DRUGS, AND WE ARE IN IT FOR THE DURATION.

TESTIMONY OF

HONORABLE EDWARD I. KOCH

MAYOR OF THE CITY OF NEW YORK

BEFORE

THE SELECT COMMITTEE

ON

NARCOTICS ABUSE AND CONTROL

UNITED STATES HOUSE OF REPRESENTATIVES

WASHINGTON, D.C.

MARCH 4, 1987

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I APPRECIATE YOUR INVITATION TO TESTIFY THIS MORNING. I AM PLEASED TO APPEAR WITH MY FRIEND AND DISTINGUISHED COLLEAGUE, MAYOR JOE RILEY, PRESIDENT OF THE UNITED STATES CONFERENCE OF MAYORS. MAYOR RILEY HAS ELOQUENTLY OUTLINED SOME OF THE MOST IMPORTANT COLLECTIVE CONCERNS OF THE MAYORS OF THIS COUNTRY ABOUT THE DRUG PROBLEM THAT WE FACE.

IN TESTIFYING TODAY, I WISH TO DO TWO THINGS. FIRST, I WILL BRIEFLY OUTLINE SOME OF MY CONCERNS ABOUT THE SUBJECT OF THIS MORNING'S HEARING: FEDERAL ASSISTANCE TO STATE AND LOCAL GOVERNMENT DRUG ENFORCEMENT, UNDER THE ANTI-DRUG ABUSE ACT OF 1986. SECOND, I WILL PROPOSE SOME QUESTIONS THAT SHOULD BE ADDRESSED AT THE WHITE HOUSE CONFERENCE FOR A DRUG-FREE AMERICA THAT WAS MANDATED BY THE ACT.

WERE WE IN THE HABIT OF FORMALLY NAMING CALENDAR YEARS IN THE UNITED STATES, 1986 WOULD HAVE BEEN TERMED "THE YEAR AMERICA BECAME ALARMED ABOUT DRUGS." COMMUNITIES ALL OVER THE NATION PROTESTED THE GROWING PRESENCE OF THE PUSHER, THE ADDICT, THE DRUG-CRAZED MUGGER, THE CRACK-RELATED HOMICIDE AND OTHER MANIFESTATIONS OF THE UNDENIABLE DRUG-CAUSED CORROSION OF OUR SOCIETY. IN REPLY, ELECTED OFFICIALS AT ALL LEVELS OF GOVERNMENT QUICKLY ROSE TO DENOUNCE THE SPREAD OF DRUGS AND TO PROMISE EFFECTIVE ANTIDOTES.

PERHAPS THE LOUDEST CLARION CALLS OF ALL WERE SOUNDED BY THE PRESIDENT OF THE UNITED STATES, WHO ON THREE SIGNAL OCCASIONS SPOKE FORCEFULLY OF THE NEED FOR A DRAMATIC RESPONSE. ON APRIL 8TH, HE TOOK THE UNPRECEDENTED STEP OF PROCLAIMING INTERNATIONAL DRUG TRAFFICKING A THREAT TO OUR NATIONAL SECURITY. FIVE MONTHS LATER, ON SEPTEMBER 14TH, IN A NATIONALLY TELEVISED ADDRESS, HE DELIVERED THE OMINOUS WARNING THAT "DRUGS ARE MENACING OUR SOCIETY. THEY'RE THREATENING OUR VALUES AND UNDERCUTTING OUR INSTITUTIONS. THEY'RE KILLING OUR CHILDREN."

THEN, ON OCTOBER 27TH, WHEN SIGNING THE ANTI-DRUG ABUSE ACT OF 1986 INTO LAW, THE PRESIDENT WAS EQUALLY UNCOMPROMISING IN TONE, SAYING: "THE AMERICAN PEOPLE WANT THEIR GOVERNMENT TO GET TOUGH AND GO ON THE OFFENSIVE. AND THAT'S EXACTLY WHAT WE INTEND, WITH EVEN MORE FEROCITY THAN BEFORE." HE PLEDGED THAT "OUR GOAL IN THIS CRUSADE IS NOTHING LESS THAN A DRUG-FREE GENERATION. AMERICA'S YOUNG PEOPLE DESERVE OUR BEST EFFORT TO MAKE THAT DREAM COME TRUE... WE MUST BE INTOLERANT OF DRUG USE AND DRUG SELLERS." HE DECLARED THE NEW LAW A "MAJOR VICTORY" IN THE WAR AGAINST DRUGS, AND PRAISED AS "REAL CHAMPIONS" THOSE MEMBERS OF BOTH PARTIES WHO PUSHED FOR ITS PASSAGE.

REGRETTABLY, RECENT EVENTS HAVE SHOWN THAT THE PRESIDENT WAS LONG ON WORDS BUT SHORT ON COMMITMENT. FOR, AS YOU KNOW, ON JANUARY 5TH, THE DEPARTMENT OF JUSTICE PROPOSED A BUDGET FOR

FISCAL YEAR 1988 WHICH WOULD ELIMINATE THE $225 MILLION FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS FOR DRUG ENFORCEMENT AUTHORIZED BY THE NEW LAW BARELY THREE MONTHS EARLIER.

THIS IS UNCONSCIONABLE!

WHEN THE ANTI-DRUG ABUSE ACT WAS ENACTED, WE ALL KNEW THAT DRUG CRIME IS RAMPANT THROUGHOUT THE UNITED STATES. IT IS EVEN MORE RAMPANT NOW.

JUST TWO DAYS AGO, ONE OF THE LONGEST CRIMINAL TRIALS IN COURT HISTORY CONCLUDED IN FEDERAL COURT IN MANHATTAN, WITH THE CONVICTION OF A FORMER CHIEF OF THE SICILIAN MAFIA AND 16 OTHER DEFENDANTS IN THE "PIZZA CONNECTION" DRUG CASE. THIS CASE DRAMATICALLY SHOWS JUST HOW SOPHISTICATED AND EXTENSIVE DRUG SMUGGLING INTO THE UNITED STATES IS, AND THE RESPONSE THAT IS REQUIRED OF OUR GOVERNMENT.

THE RING OBTAINED TONS OF MORPHINE BASE IN TURKEY, PROCESSED IT INTO HEROIN IN SICILY AND SHIPPED IT TO NEW YORK AND OTHER CITIES. SINCE 1979, THE RING SMUGGLED 1650 POUNDS OF HEROIN, WITH A STREET VALUE OF $1.6 BILLION, INTO THE UNITED STATES. IT ALSO SENT COCAINE FROM SOUTH AMERICA, AND SECRETLY TRANSFERRED SUITCASES FULL OF CASH, ACCORDING TO THE PROSECUTORS.

THE DEFENDANTS ALSO CONSTRUCTED AN ELABORATE MONEY-LAUNDERING SCHEME, USING BANKS AND BROKERS TO TRANSFER MORE THAN $50 MILLION TO SECRET ACCOUNTS OVERSEAS.

OTHER STATISTICS TELL THE SAME STORY. THE F.B.I. REPORTED MORE THAN 700,000 DRUG ARRESTS NATIONALLY IN 1985. 1986 FIGURES ARE EXPECTED TO BE AS HIGH OR HIGHER. IN MY OWN CITY, THE POLICE DEPARTMENT MADE MORE THAN 100,000 DRUG ARRESTS OVER THE PAST TWO YEARS.

TWO WEEKS AGO IN NEW YORK THE RESULTS OF A STUDY WERE RELEASED WHICH CONVINCINGLY DEMONSTRATE JUST HOW PERVASIVE DRUGS HAVE BECOME IN OUR CRIMINAL POPULATION.

IN 1984, A STUDY OF DRUG USE AMONG ARRESTEES WAS CONDUCTED IN THE MANHATTAN CENTRAL BOOKING FACILITY. THE STUDY WAS BASED ON ANALYSIS OF VOLUNTARILY PROVIDED URINE SAMPLES. THE STUDY WAS REPEATED LAST YEAR. THE COMPARATIVE RESULTS ARE SADLY REVEALING. WHILE IN 1984, 56% OF THOSE SAMPLED TESTED POSITIVE FOR ANY OF FOUR SELECTED DRUG CATEGORIES, THE NUMBER ROSE TO 86% FOR THE MONTHS OF SEPTEMBER AND OCTOBER, 1986. THE INCIDENCE OF COCAINE PRESENCE VIRTUALLY DOUBLED FOR THE SAME COMPARATIVE PERIOD, RISING FROM 42% IN 1984, TO 83% IN SEPTEMBER AND OCTOBER OF 1986.

THIS IS NOT JUST A NEW YORK PHENOMENON. PLANS ARE UNDERWAY TO DO SIMILAR TESTING IN OTHER CITIES ON A REGULAR BASIS. THE REASONABLE ANTICIPATION IS THAT DRUG USE BY THOSE ARRESTED FOR ALL CRIMES WILL CONTINUE TO RISE, JUST AS IT CONTINUES TO ESCALATE IN THE GENERAL POPULATION.

STATE AND LOCAL GOVERNMENTS IN THIS COUNTRY HAVE BEEN PLACED IN A NO-WIN POSITION. ON THE ONE HAND, THE INACTION OF THE FEDERAL GOVERNMENT LEAVES THE STATES AND LOCALITIES TO COPE WITH THE TONS OF NARCOTICS WHICH EASILY MAKE THEIR WAY TO OUR CITIES AND TOWNS FROM CARTELS SUCH AS THE PIZZA CONNECTION. ON THE OTHER HAND, THAT SAME FEDERAL GOVERNMENT REFUSES TO EQUIP THE STATES AND LOCALITIES TO BEGIN TO ADEQUATELY COMBAT THE DRUG ISSUE.

AS MAYOR RILEY HAS SO WELL PUT IT, THE ADMINISTRATION PROPOSES TO ELIMINATE FOR THE NEXT FISCAL YEAR STATE AND LOCAL ASSISTANCE MONEY THAT IS INADEQUATE TO BEGIN WITH.

THE PURPOSES FOR WHICH THAT MONEY IS AUTHORIZED ARE THE LIFEBLOOD OF STATE AND LOCAL DRUG LAW ENFORCEMENT: MORE POLICE, PROSECUTORS, JUDGES, CRIME LABORATORIES, CORRECTIONAL FACILITIES, DRUG ERADICATION EFFORTS, TREATMENT PROGRAMS, AND INITIATIVES AGAINST MAJOR DRUG OFFENDERS.

DENIAL OF MONEY FOR THESE VITAL NEEDS IS GROSSLY UNFAIR TO THE UNDERMANNED AND OVERBURDENED STATE AND LOCAL GOVERNMENTS, WHICH MUST DO THE MAJORITY OF DRUG ENFORCEMENT IN THIS COUNTRY, AND ARE TERRIBLY UNDERFINANCED FOR THAT MASSIVE TASK. MOREOVER, IT IS CONTRARY TO THE WILL OF CONGRESS.

THERE CAN BE NO REASONABLE DOUBT THAT THE FUNDS FOR STATE AND LOCAL ASSISTANCE SHOULD BE INCREASED, NOT REDUCED. THE $625 MILLION FIRST PASSED BY THE HOUSE OF REPRESENTATIVES LAST SUMMER WAS ITSELF NOT ENOUGH TO DO THE JOB. IT WAS REDUCED TO $225 MILLION IN THE FINAL VERSION OF THE BILL. NOW THE ADMINISTRATION PROPOSES TO ELIMINATE EVEN THAT PALTRY AUTHORIZATION. THIS MUST NOT HAPPEN.

ADDITIONALLY, WE SHOULD RECOGNIZE THE INADEQUACY OF THE FUNDS AUTHORIZED FOR DRUG EDUCATION AND TREATMENT, AS WELL AS PREVENTION. I KNOW THAT THOSE AREAS WILL BE CONSIDERED AT HEARINGS TO BE HELD BY THIS COMMITTEE IN THE COMING WEEKS. I URGE YOU TO REVIEW THE NATION'S NEEDS IN THESE IMPORTANT AREAS, AND TO AUTHORIZE SPENDING COMMENSURATE WITH THOSE EVER-INCREASING NEEDS.

LET ME NOW OFFER A RECOMMENDATION FOR MONITORING OUR PROGRESS IN DRUG ABUSE CONTROL. YOU, THE CONGRESS, HAVE CREATED ONE FORUM THAT CAN BE ESPECIALLY HELPFUL IN DETERMINING WHETHER THE FEDERAL GOVERNMENT HAS RESPONDED SATISFACTORILY AND

SUFFICIENTLY TO THE DRUG CONTAGION THAT AFFLICTS US ALL. AS YOU KNOW, WHEN THE ANTI-DRUG ABUSE ACT WAS BEING CONSIDERED LAST YEAR, THE CONGRESS ADDED SUBTITLE S, WHICH REQUIRES THAT A WHITE HOUSE CONFERENCE FOR A DRUG FREE AMERICA BE CONVENED NO LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THE LAW.

WHILE IT IS UNCERTAIN THAT THIS CONFERENCE WILL BEGIN BY THE APRIL 27TH DATE ENVISIONED BY THE ACT, IT IS IMPORTANT THAT ITS AGENDA BE THOUGHTFULLY FRAMED AND DISCIPLINED. LET ME SUGGEST SOME QUESTIONS THAT BELONG ON THAT AGENDA.

FIRST, ARE THE PROVISIONS OF THE NEW LAW SUFFICIENT TO ADDRESS AMERICA'S DRUG PROBLEM? IF NOT, WHAT STEPS CAN BE TAKEN TO DO SO?

SECOND, WHY DOES THE COAST GUARD REFUSE TO DEPLOY ALL OF THE ADDITIONAL 500 DRUG INVESTIGATORS AUTHORIZED BY THE ACT? AS YOU KNOW, IN 1985 THE CONGRESS PROVIDED FOR THE ADDITION OF THAT NUMBER OF INVESTIGATORS TO BE DEPLOYED ABOARD NAVY VESSELS TO INTERDICT DRUGS. THE COAST GUARD, HOWEVER, DID NOT ADD THOSE INVESTIGATORS, AND GAVE NO INDICATION THAT IT INTENDED TO DO SO. AGAIN LAST YEAR THE CONGRESS PROVIDED THE FUNDING FOR THOSE INVESTIGATORS, AND STILL THE COAST GUARD DELAYS. AT A PRESS BRIEFING ON CAPITOL HILL ON MONDAY OF THIS WEEK, THE COAST GUARD SAID THAT IT PLANS TO ADD ONLY 298 OF THOSE 500 INVESTIGATORS. I

SUBMIT THAT THIS IS CONTRARY TO THE TWICE EXPRESSED WILL OF THE CONGRESS. THE COAST GUARD MUST BE HELD STRICTLY AND QUICKLY ACCOUNTABLE FOR RECRUITING AND DEPLOYING THE FULL COMPLEMENT OF THESE BADLY NEEDED INTERDICTION ASSETS.

THIRD, WHAT HAS THE MILITARY SAID ABOUT ITS ABILITY TO HELP WITH DRUG CONTROL? AS YOU KNOW, TITLE III OF THE ANTI-DRUG ABUSE ACT REQUIRED THE DEPARTMENT OF DEFENSE TO REPORT TO THE CONGRESS ON CURRENT AND POSSIBLE MILITARY ASSISTANCE TO CIVILIAN DRUG ENFORCEMENT. IT IS MY UNDERSTANDING THT DOD FILED THAT REPORT WITH THE CONGRESS RECENTLY, BUT THAT ITS CONTENTS ARE CLASSIFIED. IN PREPARATION FOR THE WHITE HOUSE CONFERENCE, AN UNCLASSIFIED VERSION OF THAT REPORT SHOULD BE RELEASED SO THAT THE AMERICAN PUBLIC, WHICH IS SO DIRECTLY AFFECTED BY PRESENT FEDERAL INTERDICTION FAILURES, CAN HAVE THE OPPORTUNITY TO COMMENT ON ITS PROVISIONS. THOSE OF US WHO HAVE REPEATEDLY CALLED FOR USE OF THE ARMED FORCES IN DRUG INTERDICTION MUST BE GIVEN THE CHANCE TO RESPOND TO THAT REPORT.

FOURTH, WHY SHOULD THE BENNETT AMENDMENT NOT BECOME LAW? AS YOU KNOW, THIS AMENDMENT AUTHORIZES MILITARY PARTICIPATION IN DRUG ENFORCEMENT OPERATIONS AT OR OUTSIDE OUR NATION'S BORDERS UNDER THE FOLLOWING CAREFUL CONSTRAINTS: (A) UPON REQUEST OF THE CIVILIAN FEDERAL ENFORCEMENT AGENCY WITH JURISDICTION OVER THE OPERATION; (B) UPON A DETERMINATION THAT THE ASSISTANCE WILL NOT

ADVERSELY AFFECT THE MILITARY PREPAREDNESS OF THE UNITED STATES; (C) UPON A DETERMINATION BY THE ATTORNEY GENERAL THAT THE DRUG ENFORCEMENT OPERATION MAY NOT SUCCEED WITHOUT THE REQUESTED MILITARY ASSISTANCE; AND (D) ON THE CONDITION THAT THE CIVILIAN DRUG ENFORCEMENT OFFICIALS MAINTAIN ULTIMATE CONTROL OVER THE ACTIVITIES AND DIRECTION OF THE OPERATION.

THE PRUDENCE OF THIS AMENDMENT IS SHOWN BY THE FACT THAT APPROXIMATELY 350 MEMBERS OF THE HOUSE SUPPORTED IT IN BOTH YEARS. THE FAILURE OF THE SENATE TO FOLLOW SUIT IS A MISTAKE THAT SHOULD NOT BE REPEATED.

THESE ARE JUST SOME OF THE QUESTIONS THAT MUST BE ANSWERED. AT THIS HEARING AND THE ONES TO FOLLOW, OTHER QUESTIONS WILL ARISE. THEY MUST BE ANSWERED.

THERE ARE SOME WHO BELIEVE THAT THE NATIONAL CONCERN WITH DRUGS THAT MARKED 1986 HAS VANISHED, AND THAT GOVERNMENT SHOULD NOW GO ON TO OTHER ISSUES. TO THOSE WHO HOLD THAT VIEW, I SAY THAT UNLESS WE KEEP THE DRUG ISSUE ON THE FRONT BURNER, THERE WILL COME A TIME WHEN, BECAUSE OF DRUG ABUSE, THERE WILL NOT BE ANOTHER DAY FOR AMERICA AS WE KNOW IT.

AS ALWAYS, I STAND READY TO ASSIST YOUR EFFORTS IN ANY WAY THAT I CAN.

CITY HALL
LOS ANGELES, CALIFORNIA 90012
(213) 485-3311

OFFICE OF THE MAYOR

TOM BRADLEY
MAYOR

ROSE MATSUI OCHI

EXECUTIVE ASSISTANT TO THE MAYOR
DIRECTOR, LOS ANGELES CITY CRIMINAL JUSTICE PLANNING OFFICE

U.S. HOUSE OF REPRESENTATIVES

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL
STATE AND LOCAL DRUG LAW ENFORCEMENT ASSISTANCE

MARCH 2, 1987

"AN EQUAL EMPLOYMENT OPPORTUNITY-AFFIRMATIVE ACTION EMPLOYER"

ROSE OCHI, DIRECTOR
CITY OF LOS ANGELES CRIMINAL JUSTICE PLANNING OFFICE
U.S. HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL
STATE AND LOCAL DRUG LAW ENFORCEMENT ASSISTANCE
MARCH 2, 1987

GOOD MORNING, MR. CHAIRMAN, AND HONORABLE MEMBERS OF THE COMMITTEE. I AM ROSE OCHI, DIRECTOR OF THE LOS ANGELES CITY CRIMINAL JUSTICE PLANNING OFFICE.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY TODAY. AS YOU ARE ALL WELL AWARE, LOS ANGELES STANDS AT THE FRONT LINE OF OUR NATION'S "WAR" ON DRUGS. MAJOR DRUG INTERDICTION OPERATIONS IN FLORIDA HAVE DISRUPTED DRUG SMUGGLING LINES. THE TIDE OF COCAINE TRAFFICKING HAS SHIFTED TO ROUTES THROUGH MEXICO TO LOS ANGELES.

THERE CAN BE NO DOUBT THAT WE ARE FACING THE MOST SERIOUS DRUG ABUSE EPIDEMIC IN OUR HISTORY-A CRISIS THAT POSES A CLEAR AND PRESENT DANGER TO OUR FUTURE. OUR NATION IS ENGAGED IN A DESPERATE WAR AGAINST DRUGS. WHAT IT IS GOING TO TAKE TO WIN THIS WAR IS SUPPORT AND COOPERATION BETWEEN THE FEDERAL, STATE, AND LOCAL LEVELS OF GOVERNMENT.

THE ANTI-DRUG ACT OF 1986 WAS A MAJOR STEP IN THE RIGHT DIRECTION. HOWEVER, ITS PROMISE WILL BE SHORT-LIVED IF THE FEDERAL COMMITMENT IS NOT CONTINUED, AND ITS PURPOSE WILL NOT BE ACHIEVED UNLESS MORE CONTROLS ARE PLACED ON ITS ADMINISTRATION.

ALTHOUGH, ONLY FIVE MONTHS HAVE ELAPSED SINCE THE PASSAGE OF THE ANTI-DRUG ACT OF 1986, IT HAS BECOME PATENTLY CLEAR THAT THE IMPLEMENTATION OF THE ANTI-DRUG ENFORCEMENT GRANTS PROGRAM, WILL SHORT CHANGE LOS ANGELES. THE IMPLEMENTATION PLANNING SHOWS THAT IT IS "BUSINESS AS USUAL" FOR LARGE URBAN AREAS: THE ADMINISTRATION ASKS CITIES TO TAKE MORE AND MORE RESPONSIBILITY FOR THE "WAR" ON DRUGS—CONGRESS ENACTS LAWS TO PROVIDE ASSISTANCE TO LOCAL LAW ENFORCEMENT--AND THEN THE BUREAUCRACIES UNDERCUT OUR ABILITY TO SECURE ANY FUNDS TO BOLSTER OUR BELEAGURED EFFORTS.

THIS IS NOT A PRESCRIPTION FOR EFFICIENT AND GOOD GOVERNMENT; IT IS INSTEAD A PRESCRIPTION FOR URBAN DECAY WITH GRAVE NATIONAL CONSEQUENCES.

THE LONG LIST OF REASONS WHY CONGRESSIONAL PURPOSE IS SUBVERTED IS FAMILIAR TO ALL OF US BY NOW. NAMELY, WITHOUT PROVISIONS WHICH SPECIFICALLY SPELL OUT GUARANTEES FOR FUNDING LARGE CITIES OR PROVIDE REQUIREMENTS FOR TARGETING THE MONIES IN AREAS OF THE SEVEREST DRUG PROBLEM, THE NATURE OF THE PIPELINE WILL DILUTE ITS IMPACT.

FEDERAL DISCRETIONARY FUNDS

JUST A WORD ABOUT THE $40 MILLION FEDERAL DISCRETIONARY MONIES — IT HAS BECOME OBVIOUS THAT THE CHANCES OF LOS ANGELES GETTING ANY OF THOSE FUNDS ARE ALSO REMOTE. BECAUSE OF THE BUILT-IN DECISION-MAKING PROCESS MADE UP OF VESTED INTERESTS ON THE FEDERAL TASK FORCE, THE END RESULT IS "INSTITUTIONAL PORK BARREL".

A COMPILING OF A SHOPPING LIST OF PROGRAMS FOR DATA COLLECTION, RESEARCH, DEMONSTRATION PILOTS, REHABILITATION TREATMENT, ETC. THIS "KITCHEN SINK" APPROACH ATTEMPTS TO SPREAD THE P-NUT BUTTER TO ALL CORNERS OF INTERESTS LEAVING ONLY P-NUTS FOR LAW ENFORCEMENT.

THERE ARE OTHER CONSIDERATIONS THAT OPERATE TO DISADVANTAGE L.A. FROM RECEIVING DISCRETIONARY FUNDS:

-BUREAU OF JUSTICE ASSISTANCE WILL USE FUNDS FOR NATIONAL AND MULTI-STATE PROGRAMS

-THERE IS A TENDENCY, ON THE PART OF PROGRAM MANAGERS, TO DISFAVOR CITIES AND DEFER TO STATE GOVERNMENT, AND THEY ALSO OPERATE ON THE ASSUMPTION THAT CITIES LIKE L.A. ARE TOO BIG TO MAKE AN IMPACT; THUS, THEY GIVE PREFERENCE TO SMALLER JURISDICTIONS. -OF COURSE THESE FUNDS ARE SUBJECT TO POLITICAL CRONYISM ALONG PARTISAN LINES: HENCE, CURRENTLY THIS HURTS CITIES WITH DEMOCRATIC MAYORS.

THE DISCRETIONARY POT SHOULD NOT BE "SHOTGUNNED" AWAY. THE BULK OF THE RESOURCES SHOULD BE FOCUSED ON LOCAL ENFORCEMENT EFFORTS TO AID THE FEDERAL GOVERNMENT IN STOPPING SMUGGLING OF COCAINE, AND TO CUT OFF "ROCK" COCAINE DISTRIBUTION AND STREET DEALING.

IT IS NOT TOO LATE FOR CONGRESS TO INFLUENCE DOJ/BJA IMPLEMENTATION. IN ANY CASE, NEEDS TIGHTENING UP TO ENSURE FOCUSED SPENDING.

STATE AND LOCAL ASSISTANCE PROGRAM

OUR STATE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP), GIVEN ABSOLUTE DISCRETION, WILL FULLY EXERCISE THEIR PEROGATIVE. LOCAL INPUT INTO

SETTING THE STATEWIDE STRATEGY ONLY ALLOWS FOR PERFUNCTORY INPUT. IT IS PERFECTLY CLEAR THAT STAFF HAS ALREADY DETERMINED THEIR PROGRAM PRIORITIES, AND LOCAL PLANNING AND DISTRIBUTION PROCESS IN ADVANCE OF THIS RITUAL. PUTTING THE PIECES TOGETHER FROM THE "UTTERINGS" AT THE PUBLIC HEARING AND THE AD-HOC STATE PLANNING MEETING, IT APPEARS EVIDENT THAT LOS ANGELES CITY WILL NOT FARE WELL WITH THE STATE IN DETERMINING LOCAL PRIORITY PLANNING TAILORED TO MEET OUR NEEDS, AND IN RECEIVING ASSURANCE OF ANY FUNDING.

STATEWIDE STRATEGY DEVELOPMENT

DESPITE OUR RECOMMENDATIONS,THE PROGRAM EMPHASIS FAILS TO INCLUDE A "MAJOR OFFENDER" CATEGORY-THE ONLY ONE IN WHICH EXPRESS STATUTORY LANGUAGE IS PROVIDED TO TARGET PROBLEM CENTERS, "...IN AREAS IN WHICH THERE IS A HIGH INCIDENCE OF DRUG ABUSE AND DRUG TRAFFICKING." (SEE, ATTACHMENT A)

THE OCJP PROGRAM GUIDELINES AND LOCAL DISTRIBUTION PLAN APPARENTLY IGNORES OUR RECOMMENDATIONS TO MAKE ENFORCEMENT A PRIORITY, TO NOT MANDATE LOCAL POLICY PLANNING, TO TARGET RESOURCES TO AREAS WITH THE GREATEST NEED, AND TO PROVIDE A FORMULA MINI-BLOCK OR ENTITLEMENT TO LOS ANGELES.

DURING THE HEARING, OCJP HAS USED PHRASES SUCH AS, "INTEGRATED", "SYSTEM-WIDE", "REGIONAL", "MULTI-JURISDICTIONAL", WHICH SUGGESTS FORECLOSING A CITY APPLICATION. THE ONLY PARTICIPATION PRESUMABLY CONTEMPLATED IS THROUGH THE COUNTY. (SEE, ATTACHMENT B) THIS SIMPLY WOULD BE DISASTEROUS FOR US. NOT ONLY WOULD WE NOT GET MONEY FROM THE COUNTY, BUT IT WILL ALSO BRING ABOUT "POLITICAL BICKERING" WHICH WILL

DESTROY COMITY AND NECESSARY COOPERATIVE EFFORTS.

AT THE AD-HOC STATE PLANNING MEETING, THE OCJP NEVER ADMITTED THAT CITIES CAN NOT APPLY, BUT THE "GOBBLEY GOOK", THEY MOUTHED SEEMS TO IMPLY THAT IT WOULD BE AN ACT IN FUTILITY. SOME OF OCJP STAFF'S OTHER PREJUDICIAL COMMENTS INCLUDE:

-"NEED TO PUT MONEY WHERE WE CAN GET THE BEST RETURN"; "WHERE WE CAN HAVE SOME SUCCESS." THIS FOLLOWS OUR APPEAL TO GIVE LOS ANGELES A FAIR SHARE OF THE POT. READING BETWEEN THE LINES, THE TRANSLATION IS "YOU'RE TOO BIG TO MAKE A DENT ON THE PROBLEM."

-"NEED TO FILL IN VOIDS AND GAPS." THIS MEANS THOSE OF US WHO ARE AHEAD OF THE PACK WILL BE PASSED OVER TO BRING UP THE LOWEST COMMON DENOMINATOR.

-"NEED TO DEVELOP MODEL PROGRAMS TO REPLICATE STATEWIDE" WE HAVE CREATED THE MODEL PROJECTS USING EXISTING RESOURCES SO DON'T REQUIRE ANY STATE HELP AND ARE PENALIZED.

OTHER PARTICIPANTS FROM SMALL AND MEDIUM SIZE JURISDICTIONS, HAD A VIRTUAL FIELD DAY "L.A. BASHING." SOME OF THE COMMENTS MADE:

-IN RESPONSE TO OUR STATEMENT THAT WE HAVE GIVEN DRUG ENFORCEMENT TOP PRIORITY AND HAVE SUBSTANTIALLY INCREASED FELONY DRUG ARRESTS AND CONVICTIONS, A SMALL-CITY CHIEF SAID, "THAT WE SHOULD NOT APPLY FOR ANY MONIES." TO WHICH THE OCJP DIRECTOR SAID, "HE AGREED." IT IS ALWAYS A GOOD TIME GANGING UP ON THE BIG "RICH" AND "SOPHISTICATED" CITY.

LEFT UP TO THIS PROCESS, LOS ANGELES IS LIKE GULLIVER BOUND UP BY THE LILLIPUTIANS . OBVIOUSLY, THIS SETTING FOR POLICY DEVELOPMENT IS

UNFAIR TO LOS ANGELES.

LOCAL PLANNING PROCESS

OCJP INTENDS TO ENTERTAIN SINGLE JURISDICTIONAL APPLICATIONS FROM COUNTIES OR REGIONS TO ACCOMPLISH THEIR OBJECTIVE OF SYSTEM PLANNING. (SEE, ATTACHMENT B) THIS APPROACH IS TOTALLY OBJECTIONABLE TO THE CITY. IT WAS AN ABJECT FAILURE UNDER THE LEAA PROGRAM AND THERE IS NO NEED TO RESURRECT THIS MECHANISM AGAIN. DURING THE LEAA REGIONAL BOARD DAYS, BECAUSE LOS ANGELES WAS OUT-NUMBERED THE POLICE DEPARTMENT AND CITY PROSECUTOR CAME OUT EMPTY-HANDED BEFORE MINI BLOCK GRANTS WERE INSTITUTED.

SIMILIARLY, THE PRESENT COUNTY CRIMINAL JUSTICE BOARD, CHAIRED BY THE CHAIRMAN OF THE BOARD OF SUPERVISORS, WOULD FORCE LOS ANGELES TO SUFFER THE SAME FATE. BECAUSE THERE IS NO PARITY IN REPRESENTATION ON THE BOARD, LOS ANGELES WOULD AGAIN NOT STAND A CHANCE IN A COUNTY "PIE-CUTTING" CONTEST. WITHOUT THE VOTES, IT WOULD NEVER HAPPEN: OUR ARGUMENT IS THAT SYSTEM PLANNING SHOULD TAKE PLACE AT THE OPERATIONAL LEVEL, NOT POLICY LEVEL. AN EXCELLENT EXAMPLE OF INTER-AGENCY PLANNING AND COORDINATION WAS OUR OLYMPIC SECURITY PLANNING TASK FORCE, WHOSE PLAN WERE CARRIED OUT WITH REMARKABLE SUCCESS.

IN THE DRUG AREA, WE HAVE MAJOR NARCOTICS TRAFFICKING INTELLIGENCE INVOLVING - LAPD NARCOTICS DIVISION, FBI AND DEA; AND SMUGGLED NARCOTICS INTERDICTION PARTICIPATING AGENCIES INCLUDE LAX SECURITY, U.S. CUSTOMS, U.S. COAST GUARD, LASO AND L.A. HARBOR PATROL.

LOCAL DISTRIBUTION SCHEME

THE OCJP DOES NOT INTEND TO SHARE ANY OF THE ADMINISTRATIVE DOLLARS,

ALLOCATE ON THE BASIS OF RELEVANT FACTORS WHICH REFLECT GREATEST NEED, NOR PROVIDE MINI-BLOCK GRANTS OR ENTITLEMENTS. INSTEAD, THEY PLAN TO CONDUCT A STATE RFP PROCESS.

OUR EXPERIENCE UNDER THE BJA PROGRAM HAS DEMONSTRATED THAT LAPD AND THE CITY PROSECUTOR HAVE NOT RECEIVED ANY GRANTS FOR VARIOUS REASONS. OF PARTICULAR SIGNIFICANCE IS THAT THE GOVERNOR HAS SPRINKLED, LIKE JOHNNY APPLESEED, POLITICAL "PLUMS" ACROSS THE STATE, SECURING ALL THE MILEAGE HE CAN GET. IT'S NOT TOO DIFFICULT TO UNDERSTAND WHY THE JURISDICTION OF HIS FORMER GUBERNATORIAL RIVAL DOES NOT DESERVE PATRONAGE. THERE IS A NEED TO HAVE SOME CONTROLS IN A BLATANT POLITICAL SELECTION PROCESS. AS AN ADMINISTRATOR, IT IS HARD TO ASK AGENCIES TO DEVELOP PROGRAMS IF THEY MAY BE ONLY "SPINNING THEIR WHEELS."

THE COUNTY HAS SEVERE NEEDS AS WELL, AND CAN NOT BE EXPECTED TO BE BENEVOLENT IN PROVIDING A PROPORTIONAL SHARE TO OUR DRUG PROBLEM AND RESPONSIBILITIES.

STATUTORY FORMULA DISTRIBUTION

IT IS NOT NECESSARY FOR ME TO QUOTE STATISTICS TO MAKE THE CASE. LOS ANGELES HAS THE HIGHEST INCIDENCE OF DRUG ABUSE AND TRAFFICKING IN THE STATE. OUR CITY IS BEING OVERRUN BY GANGS DEALING IN ROCK COCAINE.

TO GIVE YOU SOME INSIGHT INTO THE MAGNITUDE OF THE PROBLEM WE ARE FACING, LET ME SHARE WITH YOU THE EXTENT TO WHICH WE HAVE WITNESSED A STARTLING JUMP IN FELONY ARRESTS FOR DRUG-RELATED CRIMES IN LOS ANGELES. OVER THE LAST SEVERAL YEARS, THEY HAVE DOUBLED. BETWEEN 1983-1985, JUST FOR LOS ANGELES CENTRAL SUPERIOR COURT DISTRICT, MORE THAN 50% OF THE COUNTY DRUG-TRAFFICKING CONVICTIONS (WHICH REPRESENTS

50% OF THE STATE TOTAL) WERE LAPD CASES. THUS, LOS ANGELES CITY DRUG TRAFFICKING CASES ARE CONSERVATIVELY WELL OVER 50% OF THE COUNTY AND OVER 25% OF THE STATE'S TOTAL. THIS DOES NOT EVEN TAKE IN TO ACCOUNT OTHER COURT DISTRICTS HANDLING LAPD CASES, NOR CITY PROSECUTOR'S WORK (IN 1986, THEY HANDLED MORE THAN 16,000 DRUG-RELATED CASES- A 30% INCREASE OVER 1985).

THE DATA WILL REVEAL THAT LOS ANGELES OUTDISTANCES ALL AREAS IN TERMS OF THE SEVERITY OF THE DRUG PROBLEM, AND IT IS SKYROCKETING.

OUR FIGHT TO CURB THIS SPIRALLING RISE IN DRUG CRIMES IS IN DESPERATE NEED OF FEDERAL FINANCIAL ASSISTANCE, WITHOUT WHICH LOS ANGELES' PROBLEM WILL BECOME THE STATE'S PROBLEM, AND CALIFORNIA'S PROBLEM THE NATION'S.

MAJOR URBAN CITIES NEED HELP FROM CONGRESS:

-TO PREVENT BEAURACRACIES FROM THWARTING THEIR LEGISLATIVE PURPOSE
-TO PROVIDE RESOURCES TO AREAS EXPERIENCING THE "GREATEST NEED"
-TO ALLOW LOCAL LAW ENFORCEMENT TO DETERMINE THEIR PROGRAM PRIORITIES.
-TO PROVIDE A MINI-BLOCK GRANT OR PRE-DETERMINED SET-ASIDE THAT WOULD ENSURE WE RECEIVE A PROPORTIONATE ALLOCATION.

WE ARE WAGING OUR END IN THIS MONUMENTAL BATTLE; WE ONLY ASK FOR OUR FAIR SHARE. THE GRAVITY OF OUR PROBLEM AND THE MAJOR ROLE WE ARE CALLED UPON TO PLAY DESERVES THIS CONSIDERATION. THANK YOU.

ATTACHMENT A

OVERALL EMPHASIS

Provide support for comprehensive drug programs responding to needs of all four components of enforcement, i.e.,

- o Law Enforcement;
- o Prosecution;
- o Probation; and,
- o Adjudication; and

Alternatives

- o Institutional Treatment (custody)
- o Crime Laboratories

Pursue the need for local level cooperation among enforcement, education, treatment and prevention interests.

ATTACHMENT B

PROPOSED MODEL

Program Title: Comprehensive Drug Enforcement Program

Requirements

- Multiple criminal justice agencies must be involved. This can entail combining efforts on a countywide, multi-county, or regional level and must involve all phases of enforcement, i.e., law enforcement, prosecution, probation, adjudication, and/or may include institutional treatment or crime labs.
- Informal needs assessment that identifies available resources, and desired enhancement/expansions.
- Memorandum of Understanding of all participants to coordinate resources, share information, promote heightened awareness among agencies in the various methods currently used to attack the problem, and assure mutually supportive efforts in the community as a whole.
- Establishment of a Team Policy Board with representation from all facets of program.

Adjunct

Although beyond the scope of the federal law enforcement program but consistent with a comprehensive systemwide approach:

- Education/prevention
- Out of custody treatment
- Private sector role

Testimony given by

Timothy R. Schoewe
Hearing Examiner
Milwaukee Fire and Police Commission

on behalf of the
National Association of Criminal Justice Planners
Washington, DC

before
The United States House of Representatives
Select Committee on Narcotics Abuse and Control

regarding
The Anti-Drug Abuse Act of 1986

March 4, 1987

Mr. Chairman and distinguished members of the Committee:

My name is Timothy R. Schoewe. I am the Hearing Examiner of the Milwaukee Fire and Police Commission and the Chairperson of the National Association of Criminal Justice Planners (NACJP). I appreciate your invitation to present testimony on the implementation of the "Anti-Drug Abuse Act of 1986."

Local Planning

The principal constituent group of the NACJP is large urban and suburban jurisdictions. The mission of the local justice planner is to facilitate communication and cooperation among the various criminal justice agencies operating within the jurisdiction. This is a difficult task in that the planner is usually the employee of one governmental entity (the city or the county) and yet has to interact with agencies that may be city, county, or state based. To facilitate the communication and cooperation among the various criminal justice agencies some jurisdictions rely on criminal justice coordinating councils. Such councils provide a useful mechanism for developing systemic responses to problems such as drug trafficking. In other jurisdictions where there are no coordinating councils, local planners, such as myself, work on an informal basis to keep a systemic perspective on the problems confronting their jurisdiction.

The process of attaining coordination in criminal justice is difficult. Inherent in our system of justice are conflicting objectives and goals. The most obvious difference in goals occurs between prosecutors and defense counsel; but more subtle differences occur between other criminal justice components as well. For example, a law enforcement priority to clear street corners of drug dealers may not coincide with prosecutorial priorities. The police may have a

major increase in the number of arrests but the prosecutor may decline to prosecute many of those arrests because of workload attributable to arrests involving other offenses such as homicide, robbery, or burglary. Although the various criminal justice agencies share much in common with regard to their overall goals, the differences that do exist can distract them from a coordinated pursuit of their common purpose. The local planner tries to keep agency differences in perspective while attempting to create an atmosphere conducive to cooperative and coordinative responses to common problems.

Because coordination hinges on the voluntary participation of the various justice agencies, it is far from being a universal characteristic of the American criminal justice process. While it is frustrating to observe how the lack of coordination can thwart the justice system's response to a problem like drugs, there is the need to avoid the trap of mandating coordination. Coordination requires nurturing and is not susceptible to mandate. Such mandates have failed in the past and will fail in the future because no one agency has the power to force coordination.

To a certain extent mandated coordination is implied in the mechanism established in the block grant program to justice agencies in the Anti-Drug Abuse Act of 1986. By designating the state as the lead entity in dealing with the drug abuse problem and directing it to develop a statewide strategy to deal with this problem, the state and its agencies are given preeminence in an area over which they exercise minimal responsibility. Furthermore, by failing to give large local governments any legal standing, the legislation leaves those jurisdictions that are most afflicted by the drug abuse problem with a limited say in how those monies are to be spent within their own

boundaries much less any say in how to deal with the problem statewide.

This is not a new issue. Indeed it was one of the most perplexing, and yet least understood, problems encountered during the years that the Law Enforcement Assistance Administration (LEAA) existed. Criminal justice is comprised of a complex mix of agencies from all levels of government. Reliance on the states to run the program, while simple, overlooks how the justice system actually operates in this country. The lessons learned from the LEAA experience are worth recalling and indeed form the core of my comments today.

The Urban Drug Problem

The large urban and suburban jurisdictions in this country are the areas that tend to be most heavily afflicted with the problems of drug trafficking and drug abuse. For example, Los Angeles County contains 32% of the persons in the State of California, but it generates 46% of all of the felony drug related arrests in California. While the City of Milwaukee does not constitute as large a share of the population of Wisconsin as Los Angeles County does of California, it nonetheless experiences a disproportionately higher share of the drug problem in the State than its share of the population would lead one to expect. The City of Milwaukee comprises 13% of the population of Wisconsin but it generates nearly 40% of the drug related arrests in the State.

The disporportionately higher share of drug arrests found in Los Angeles County and Milwaukee is a characteristic to be found in large urban and suburban jurisdictions across the United States. This development is not a source of pride for these large jurisdictions but rather the unpleasant reality of the problems that they face.

Not only are there disproportionately more drug arrests in these large jurisdictions but the administrative burden and expense involved

in processing of these drug cases remains a responsibility of local government. To underscore this point, I would like to call the Committee's attention to a research report that the NACJP prepared for the Bureau of Justice Statistics in May, 1985, titled "Felony Sentencing in 18 Local Jurisdictions." This report examined 1983 data on sentencing outcomes for seven selected felony offenses, one of which was drug trafficking. Less than one out of four convicted drug traffickers are sentenced to prison (23%), that is, incarceration in a state correctional facility. Consequently the vast majority of drug traffickers remain in the community, with nearly all of them under probation supervision (70%). This observation is not made to berate judicial sentencing; but rather to illustrate the burden that the drug problem brings to bear on local government in the criminal justice response to that problem. The low imprisonment rate for drug trafficking is a parameter of the criminal justice process that is not likely to change dramatically any time soon. Indeed in another NACJP research report study due for release this June, the same sentencing outcomes are being found from a larger number of jurisdictions for felony sentences meted out in 1985.

The low imprisonment rate for drug trafficking illustrates that the justice system's response to drugs is very much restricted to the communities in which the offenses occur. This fact, along with the higher incidence of drug abuse in large jurisdictions, demonstrates the need for large jurisdictions to have more control over programs initiated to deal with the drug problem than is presently contained in the Anti-Drug Abuse Act of 1986.

Program Start Up

Although it has been over four months since the passage of the

Anti-Drug Abuse Act of 1986, there is still much preparatory activity taking place among the states in gearing up for the implementation of the block grant provisions of the legislation. There is an expected time lag between the passage of legislation dealing with block grants and the dissemination of the pertinent information on the program from the Federal government on down to state and local governments. Two factors have contributed to a more prolonged delay than is usually encountered in that start up of the drug block grant program.

One factor has been the election of new governors. With new governors have come new staff who, in effect, only became acquainted with the block grant program in January. The other factor was the circulation of the rumor of the Reagan Administration's intent to seek a rescission of the monies appropriated for the drug block grant program. Many states ceased activities on implementing the block grant program until the matter of the rescission was clarified.

While the states are still at the front end of the process of implementing the program, there has been enough preliminary activity to gauge how they are planning to interface with large urban and suburban jurisdictions. The NACJP contacted 15 localities to determine whether or not their state had contacted them about the state's plans for distributing the drug block grant monies. The response to this inquiry is displayed in Table 1.

To date, six of the 15 jurisdictions still have not received any information from the state about the drug block grant monies. Furthermore, only two states so far have shown an interest in sharing the administrative funds with localities (Ohio and Louisiana). This number is not likely to increase among those jurisdictions that have not heard from their states as yet. Many of the states have already

prepared their applications for administrative funds to the Bureau of Justice Assistance. If a locality has not heard from the state yet, there is a very high probability that no provision has been made in that application to share those administrative monies with it.

Table 1

Locality	State	Has Locality Been Contacted By State Office About Drug Block Grant Monies?	Will State Share Administrative Monies with Localities?	Will State Distribute Block Grant Monies To Large Localities On a Formula Basis?	New Governor
Los Angeles County	California	Yes	No discussion yet	No	No
Los Angeles City	California	Yes	No discussion yet	No	No
Santa Clara County	California	No	No discussion yet	No	No
Denver	Colorado	No	No discussion yet	Don't Know	Yes
Dade County	Florida	Yes	No	No decision yet	Yes
Jefferson County	Kentucky	Yes	No	No	No
New Orleans	Louisianna	Yes	Yes	Yes	No
Baltimore City	Maryland	No	Don't Know	Don't Know	Yes
Hennepin County	Minnesota	No	Probably not	Probably not	No
St. Louis City	Missouri	No	No	Don't Know	No
Suffolk County	New York	Yes	Probably not	Probably not	No
New York City	New York	Yes	No	Probably not	No
Lucas County	Ohio	Yes	Yes	Yes	No
Philadelphia	Pennsylvania	Yes	Under discussion	Under discussion	Yes
Milwaukee City	Wisconsin	No	No	No	Yes

The reticence of the states to share the administrative monies is noted because it reveals a state attitude of wanting to be in total control of the program. This attitude also surfaces in the limited amount of information that the states share with localities on federal guidelines and interpretations of the legislation. What galls many of us at the local level is when the state retains such administrative monies and then requires localities to provide it with the information sought by the federal agency administering the grant program. Localities are forced to comply because failure to do so means

exclusion from consideration for grant awards. Consequently, while the state receives the administrative monies, it does little of the work required to meet the federal administrative requirements.

The Committee should be aware that the NACJP is not bringing up the distribution of administrative monies because of any vested interest. The membership of the NACJP receives its funding from local revenues and very much wishes to keep it that way. During the 1979 reauthorization of the LEAA program, the NACJP took the position that there should be no administrative monies made available in federal block grants and it continues to hold to that position. The absence of administrative monies assures a streamlined bureaucracy and reserves all of the federal monies for funding programs to address the needs identified by Congress.

Nevertheless, the legislation does provide for administrative funds. The failure of most of the states to consider sharing the administrative monies with localities, even when a state is not going to use the full 10% allocation set aside for that purpose, is indicative of the precarious position localities are placed in when total discretion in the implementation of the legislation resides at the state level.

Formula Distribution to Localities

The concept of distributing the criminal justice block grants through to large localities on a formula basis is controversial but not new. The concept was first given legislative credence by Senator Edward Kennedy and Representative Romano Mazzoli in the reauthorization legislation of the LEAA in the Crime Control Act of 1976. At that time this concept was called a "mini block grant." This mini block grant was described by Senator Pell in the February 25, 1976, Congressional Record as follows:

> ...Under the provisions of the proposed bill, cities, urban counties or local government units would be authorized to submit comprehensive plans to state planning agencies -- SPA's. Once approved by the SPA a "mini block grant" would be awarded to the local agency without the need for further action on each individual project application. This important feature will do two things: First, it would provide local planning offices with adequate participation in the development of the comprehensive planning for a particular area. Through this process local agencies can develop plans, set priorities and evaluate programs which are tailor-made to meet the needs of the particular community. At the same time the SPA's will retain the responsibility for insuring comprehensiveness from a regional and statewide standpoint; and second, as a practical matter this new system would eliminate an incredible amount of redtape.

Unfortunately, many states thwarted large jurisdictions from pursuing "mini block" status. Consequently, when LEAA was reauthorized in 1979 in the Justice System Improvement Act (JSIA), an even stronger provision, called entitlement, was written into the legislation to allow large localities to receive federal block grant monies with minimal state interference.

In the Senate Judiciary Committee's report of the JSIA (then titled the Law Enforcement Assistance Reform Act of 1979) it was stated with regard to entitlement:

> The reported bill sets out the respective roles of the State and larger local governments and gives the local units a greater autonomy in determining the future direction of their justice systems. Statewide priorities are still recognized, but where the local units have a solid rationale for non-adherence to state priorities, the local priorities can be funded. (p. 29)

The "mini block" provision in the 1976 legislation and the "entitlement" provision in the 1979 legislation were written in order to provide standing in the legislation to the large jurisdictions so that the states would have to honor their concerns and priorities even when they might differ from those of the state.

The implementation of the LEAA program by the states demonstrated the inadequacy of the "variable pass through" requirement in

74-244 0 - 87 - 5

accomodating the needs and priorities of large jurisdictions across the United States. While many of the large jurisdictions were critical of the way the block grant program worked because they felt that they did not get their fair share of the block grant monies, perhaps even more important was the lack of certainty as to the amount of funding they would receive in any given year and for what programs.

The Drawback of No Formula Distribution

Because nearly all of the states refused to develop formulas for the distribution of the local share of the block grant monies, localities from across the state competed in the various program areas identified as priorities by the state. Although the LEAA legislation, as does the Anti-Drug Abuse Act, mandated the state to elicit local input, there were no guarantees that the local input provided would materialize in the state priorities.

The priorities established by the States under LEAA tended to be agency specific, that is, tailored to law enforcement, prosecution, adjudication or corrections. This approach thwarted systemic responses to given problems because there was no guarantee that all of the agencies in a jurisdiction would obtain grant awards to deal with systemic problems identified by the locality. For example, if a law enforcement program geared toward increased arrests was tied to an enhanced prosecution unit in the District Attorney's Office, severe problems would occur if either agency did not receive its grant. The lack of certainty not only in funding levels, but also as to which agency would be funded, reinforced, rather than solved, the non-systemic responses to crime.

The Advantage of Formula Distribution

Only a couple of states deviated from this approach in the

distribution of the LEAA block grants. A state that adopted a quite different approach from that just described was Ohio. Indeed, Ohio has retained its formula approach in the distribution of block grant monies under the Anti-Drug Abuse Act of 1986. In Ohio, the six major urban centers are guaranteed a fixed portion of the local allocation of the block grant monies coming into that state. The distribution is based on a formula devised several years ago. The formula is weighted toward areas with high crime rates such that the distribution of Uniform Crime Report (UCR) offenses constitutes two-thirds of the formula and the remaining third is based on a locality's population. With the balance of the jurisdictions, the state is divided into quadrants with the money divided among them, based on the same formula. The smaller jurisdictions in each of the quadrants compete among themselves for those monies. Using this approach, Ohio is able to obtain an equitable distribution of the monies between the large and small jurisdictions. This allows the large jurisdictions to develop and pursue their own priorities while the state works with the smaller jurisdictions in the identification of their priorities. Consequently, not only does an equitable distribution of the monies occur but the established priorities are better targeted to the needs of the communities receiving the assistance.

Legislative Standing for Localities

As currently constructed, the Anti-Drug Abuse Act does not guarantee effective participation of large jurisdictions in the block grant program. While a few states like Ohio and Louisiana will employ mechanisms that distribute block grant monies to large jurisdictions on a formula basis, most will not. Among some of the states, the priorities of large localities will be incorporated into the state

strategy and viable working relationships will be developed. Unfortunately, in many other states, the prognosis of a positive state-local relationship is not particularly good.

If legislative standing should be extended to large jurisdictions by amending the Anti-Drug Abuse Act of 1986, the positive relationships that exist in such states as Ohio and Louisiana would be cemented. In those states where the relationship is negative, an amendment establishing a formula approach to the distribution of monies to large jurisdictions would assure that those areas of the state where the drug abuse problem is worse will have the opportunity to participate effectively in the program.

The role that local planners will play in the implementation of the Anti-Drug Abuse Act of 1986 depends, in large measure, on how the state elects to run the program. In states like Ohio and Louisiana, the local planning office will facilitate the identification of local priorities, provide start-up assistance to funded programs, and assess the impact of the programs. In other states, the local planner may just provide assistance to line agencies in their grant applications to the state. Clearly, a coordinated and systemic approach to the drug abuse problem is better served among large jurisdictions within states like Ohio and Louisiana than is likely to be the case in Wisconsin.

The NACJP urges the Committee to consider amending the Anti-Drug Abuse Act of 1986 to provide large jurisdictions with a fixed share of the block grant monies. In this regard, the NACJP advocates a threshold population of 250,000 for qualifying as a large jurisdiction. The NACJP is principally concerned with obtaining an amendment to the legislation that would provide for the formula distribution of federal assistance monies to large jurisdictions within a state. The NACJP is

prepared to work with the Committee in suggesting the components of such a formula if the Committee agrees that such an approach to the block grant monies is needed.

The Goals of the Legislation

A major purpose of the Anti-Drug Abuse Act of 1986 is the detention of drug law violators. Indeed, three other legislative purposes (apprehension, prosecution, and adjudication) feed into this goal as well. Although the detention of drug law violators is a commendable goal, there is the need to understand the limits of this approach in dealing with the drug problem.

Many of the persons convicted of drug trafficking are incarcerated; but they are incarcerated in the county jail, not the state prison. Out of a typical 100 sentences, 41 persons convicted of drug trafficking go to jail in contrast to only 23 persons who go to prison. Those sent to jail receive an average term of 21 weeks. Consequently, many of the persons convicted of drug trafficking are either back on the streets immediately after sentencing (37 out of 100 receive no detention) or shortly thereafter. Given the serious crowding conditions that confront most local and state detention facilities as well as the heavy workload in other felony court matters dealing with offenses such as as homicide, robbery, and burglary, there is little likelihood that there will be a dramatic shift in felony sentencing patterns.

This development should have a major ramification on the legislative purposes found in the Anti-Drug Abuse Act of 1986. There is the need to make explicit a broader range of objectives that can be sought within the major purposes of the act. While detention still ought to be a goal, there is, nonetheless, the need to prioritize the

types of cases for which incarceration will be sought (especially prison) and which will receive other responses. For example, major drug dealers should be the principal targets for imprisonment while other sanctions need to be developed for the street corner operator.

In addition, a broader range of activities should be encouraged within the various purposes that do not necessarily involve the invocation of the criminal justice process. For example, under apprehension, this purpose could be more broadly stated so as to take into account the presence of sentenced drug offenders in the community. The type of activities that law enforcement could undertake, therefore, could include not only increased apprehension but also activities directed at monitoring known drug law violators in the community. Such an activity would require coordination between two agencies: the police and the probation agency.

The resources of the criminal justice system are limited and already stretched to capacity. The monies being made available to states and localities through the Anti-Drug Abuse Act of 1986 is small (less than one percent of the monies being spent by states and localities in their criminal justice agencies). Consequently the type of programs funded under the Anti-Drug Abuse Act of 1986 should try to leverage the existing resources in order to come up with viable responses to drug abuse and drug trafficking. Programs that add on to existing practices, especially if the programs funded are heavily concentrated in law enforcement and prosecution, could have a serious detrimental effect on the overall operation of the criminal justice system. Without system balance as well as a broader range of objectives beyond detention, the purposes of the Anti-Drug Abuse Act of 1986 could be frustrated.

SUBMISSIONS FOR THE RECORD

CHARLES B. RANGEL, NEW YORK
CHAIRMAN
PETER W. RODINO, JR., NEW JERSEY
FORTNEY H. (PETE) STARK, CALIFORNIA
JAMES H. SCHEUER, NEW YORK
CARDISS COLLINS, ILLINOIS
DANIEL K. AKAKA, HAWAII
FRANK J. GUARINI, NEW JERSEY
ROBERT T. MATSUI, CALIFORNIA
DANTE B. FASCELL, FLORIDA
WALTER E. FAUNTROY, DISTRICT OF COLUMBIA
WILLIAM J. HUGHES, NEW JERSEY
MEL LEVINE, CALIFORNIA
SOLOMON P. ORTIZ, TEXAS
LAWRENCE J. SMITH, FLORIDA
EDOLPHUS "ED" TOWNS, NEW YORK

U.S. House of Representatives
SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL
ROOM H2-234, HOUSE OFFICE BUILDING ANNEX 2
WASHINGTON, DC 20515-6425

COMMITTEE PHONE 202-226-3040

BENJAMIN A. GILMAN, NEW YORK
RANKING MINORITY MEMBER
LAWRENCE COUGHLIN, PENNSYLVANIA
E. CLAY SHAW, JR., FLORIDA
MICHAEL G. OXLEY, OHIO
STAN PARRIS, VIRGINIA
GENE CHAPPIE, CALIFORNIA
DUNCAN HUNTER, CALIFORNIA
JOSEPH J. DioGUARDI, NEW YORK
MICHAEL L. STRANG, COLORADO
JOHN G. ROWLAND, CONNECTICUT

JOHN T. CUSACK
CHIEF OF STAFF
ELLIOTT A. BROWN
MINORITY STAFF DIRECTOR

MEMORANDUM

To: All Select Committee MEMBERS

FROM: Charles B. Rangel, Chairman

SUBJECT: Oversight Hearing, March 4, 1987, on the Implementation Department of Justice Grants Program for State and local law enforcement assistance, and enforcement of the paraphernalia provision of the Anti-Drug Abuse Act.

As part of our preparation for the hearing, Select Committee staff has been monitoring the implementation of the State and local narcotics control assistance program created by the Anti-Drug Abuse Act of 1986. As you know $225 million was appropriated for this program for fiscal year 19897. The program is being implemented by the Bureau of Justice Assistance in the Department of Justice. On Friday, February 27, 1987, Deputy Associate Attorney General William Landers briefed Committee staff on the progress of the grants program. Mr. Landers was accompanied by Deputy Associate Attorney General Charles W. Blau, John Lawler of the Justice Department's Bureau of Justice Assistance, and Carey Copeland of the Justice Department's Office of Legislative Affairs. The following will represent the combined findings of the Select Committee staff based upon its own monitoring activities and the above-referenced briefing.

The Formula Grant Program

The bulk of the funding available under the Act is to be distributed to States under a formula grant program. States, in turn, allocate a portion of the funds to units of local government within the State. These "pass through" provisions are discussed in the enclosed materials.

To participate in the formula grant program, a State must designate a State office to administer the funds. To date, 55 of the 56 entities eligible for funds have designated their State offices. Only Kansas has yet to make this designation. A list of the designated State offices is enclosed.

The second step in the process is the submission, by each State, of preliminary application for administrative funds. A State is permitted to use up to 10 percent of its award for administrative costs. BJA is making these funds immediately available to the States to facilitate the preparation of grant applications including the development of the statewide drug strategy that the Act requires each State to submit with its application. As of February 27, 38 States had applied for their administrative funds, and 26 States had received their awards. A list of these States is enclosed.

Those States which have received administrative funds are currently involved in the third step of the process, i.e. development of a statewide strategy. Mr. Landers advised Select Committee staff that the Law Enforcement Coordinating Committee (L.E.C.C.) in each Federal Judicial district has been particularly valuable as a coordinating and interagency communications vehicle in the development of these statewide strategies. To further assist the States, BJA will conduct three regional workshops in March 1987 for personnel from the States responsible for implementation of the program. The workshops will include discussion and training on administrative, financial and reporting requirements, statewide strategy development and program development for each of the eligible program purposes. A schedule of these workshops is enclosed. It is the opinion of B.J.A. that attendance at these workshops is essential to successful completion of the applications for the formula grants.

Application kits for the formula grants are being developed now by BJA and should be ready by March 4, 1987. BJA expects to receive the bulk of State applications after the regional workshops in March. All applications are expected by August 1, 1987. State applications will be reviewed and awards will be made within 60 days after applications are received, as required by the Act.

BJA also noted that final regulations will not be ready until after March 20, 1987. Consequently States will not begin to submit applications for the formula grants until some time after this date. This would mean that the earliest distribution of funds will occur sometime in June of this year.

Discretionary Grants

Twenty percent (20%) of the funds available for State and local narcotics control assistance is earmarked for a discretionary grant program. This program is described briefly in the attached material. Mr. Landers has advised staff that development of the guidelines for the discretionary grants has proceeded somewhat slowly. The Justice Department has asked the states, "What types of programs are most appropriate for this funding?" Indications are that the focus is on tried and proven programs. BJA says that it has received good input from various local agencies, particularly the LECCs.

In short, with respect to the Discretionary Grants program, the Department of Justice is currently in an information gathering mode. Their best estimate is that regulations for discretionary grants should be completed and final by September of this year.

The Paraphernalia Provisions

Mr. Landers, who will also be responsible for overseeing enforcement of the anti-paraphernalia provisions of the Act advised that a major thrust of the enforcement of this provision will involve the U.S. Postal Service and the U.S. Customs Service. The Postal Service has already targeted several paraphernalia manufacturing and distribution groups.

In concluding this segment of the briefing, Mr. Landers raised several points for the staff's consideration:

1) The National District Attorneys' Association feels that the Model Paraphernalia Statute, drafted by DEA, is too broad and in need of redrafting. In its present form, this statute, if adopted by the states, would be unenforceable. DEA will commence with the redraft of this model statute.

2) The Justice Department will institute a special training program at Federal Law Enforcement Training Center (F.L.E.T.C.) in Glynco, Georgia, to train investigators and prosecutors with respect to effective investigation and prosecution of paraphernalia offenses.

3) U.S. Attorneys' Offices will provide prosecutors for Federal prosecutions of violations of this provision.

The Justice Department will track the enforcement (investigation and prosecution) of the anti-paraphernalia provisions of the Act. In all likelihood, this provision, as with other statutes in the past, may prove to have some minor deficiencies thereby requiring revising or refining. The Justice Department will advise the Select Committee of any suggested amendments.

Addendum

A recent study by the Justice Department's National Justice Institute for Justice may offer the clearest illustration of a need for at least maintaining the State and local drug law enforcement assistance funds. The survey indicated that eight of 10 people arrested recently for serious crimes in New York City tested positively for cocaine use, almost double the number since 1984.

The National Institute for Justice said a survey of 615 people arrested last September, October and November showed that 78 percent tested positive for cocaine.

The average user, according to the survey, was young, preferred cocaine hydrochloride power--the highly potent cocaine base popularly called "crack", and was most likely arrested for selling drugs or stealing. In a similar study conducted in 1984 on over 4,000 people processed through Manhattan Central Booking, only 42 of the individuals arrested tested positive for cocaine use. The comparison of these two studies shows a dramatic increase in the prevalence of cocaine abuse in the arrestee population in New York City. Most of the arrestees expressed a preference for snorting cocaine. Only approximately 25 percent said that they had tried crack.

The study showed a significant decline in cocaine use during the month of November, from 84 percent during October, down to 68 percent. The suggestion has been made that this decline was probably due to a simultaneous transfer of police officers through the city.

UPI cites a recent DEA report that indicates that while crack availability is high in at least 12 major cities, including New York, use of the drug has been exaggerated, i.e. use is not as widespread as generally believed. This, again, would be consistent with the NIJ study which revealed a user preference for cocaine power over crack.

UPI also reported that NIJ's study demonstrated that the increase in cocaine use spread across all age levels, but was especially high among those in the 16 to 20 year old range. Most of the subjects indicated that they had first tried cocaine prior to their 20th birthday. Almost 40 percent had tried it before the age of 18.

For a correlation between drug use and criminal activity, consider the following from the NIH study:

Cocaine

- Approximately 90 percent of those charged with selling illegal drugs in New York City tested positive, as did
- more than 80 percent of those charged with robbery and
- more than 70 percent of those charged with burglary.

Marijuana

- Among arrestees in New York City, marijuana was the next drug of choice, with 26 percent showing traces in urine tests.

Opiates

- remained steady at 21 percent in both surveys (1984 and 1986).

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

BJA *Bureau of Justice Assistance*

Benjamin H. Renshaw, Acting Director of the Bureau, announced a reorganization which raises to Division status the Bureau's administration of the Justice Assistance block and Drug Law Enforcement formula grant programs. Mr. Renshaw has created a State and Local Assistance Division and assigned Eugene H. Dzikiewicz to be its Director. The Division is divided into an East, Central and West Branch, with each headed by a senior staff person responsible for a segment of the 56 "states" eligible to submit an application under the two Acts. The Branch Chiefs and their telephone numbers are: **EAST - Jules Tesler, (202) 272-4601; CENTRAL - William (Bill) Adams, (202) 272-4606; WEST - Doug Brown, (202) 272-6838.** Mr. Dzikiewicz may be reached at (202) 272-4601. Any questions you may have regarding either of the two programs should be directed to the appropriate Branch Chief or Mr. Dzikiewicz. The State assignments are:

EAST BRANCH	CENTRAL BRANCH	WEST BRANCH
Jules Tesler	Bill Adams	Doug Brown
Connecticut	Alabama	Alaska
Delaware	Arkansas	Arizona
Dist of Columbia	Illinois	California
Florida	Indiana	Colorado
Georgia	Iowa	Hawaii
Maine	Kentucky	Idaho
Maryland	Louisiana	Kansas
Massachusetts	Michigan	Montana
New Hampshire	Minnesota	Nebraska
New Jersey	Mississippi	Nevada
New York	Missouri	New Mexico
North Carolina	Ohio	North Dakota
Pennsylvania	Puerto Rico	Oklahoma
Rhode Island	Tennessee	Oregon
South Carolina	Virgin Islands	South Dakota
Vermont	Wisconsin	Texas
Virginia		Utah
West Virginia		Washington
		Wyoming
		American Samoa
		Guam
		No. Mariana Islands

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

BJA

Bureau of Justice Assistance
State and Local Assistance for Narcotics Control

FACT SHEET

The Anti-Drug Abuse Act of 1986, Pub. L. 99-570 was signed into law on October 27, 1986. Subtitle K - State and Local Law Enforcement Assistance Act of 1986, provides state and local assistance for narcotics control. The major features of the State and Local Assistance for Narcotics Control Program are described below:

LEGISLATIVELY AUTHORIZED PROGRAM PURPOSES The Bureau of Justice Assistance (BJA) is authorized to make grants to States, for use by States and units of local government, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to - -

1. APPREHENSION - Provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate State and local laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehending such persons.

2. PROSECUTION - Provide additional personnel, equipment, facilities (including upgraded and additional law enforcement crime laboratories), personnel training, and supplies for more widespread prosecution of persons accused of violating such State and local laws and to pay operating expenses in connection with such prosecution.

3. ADJUDICATION - Provide additional personnel (including judges), equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating such State and local laws, to pay operating expenses in connection with such adjudication, and to provide quickly, temporary facilities in which to conduct adjudications of such cases.

4. DETENTION AND REHABILITATION - Provide additional public correctional resources for the detention of persons convicted of violating State and local laws relating to the production, possession, or transfer of controlled substances and to establish and improve treatment and rehabilitative counseling provided to drug dependent persons convicted of violating State and local laws.

5. ERADICATION - Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

6. TREATMENT - Provide programs which identify and meet the needs of drug-dependent offenders.

7. MAJOR DRUG OFFENDERS - Conduct demonstration programs, in conjunction with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders by providing additional resources, such as investigators and prosecutors, to identify major drug offenders and move these offenders expeditiously through the judicial system.

FORMULA GRANT PROGRAM

FUNDING 80% of the funds allocated in a fiscal year will be distributed under formula grants. Each State will receive a base amount of $500,000 with the balance of funds allocated on a population basis.

STATE OFFICE The chief executive of each participating State must designate a State Office to administer the program. An office or agency performing other functions within the executive branch of a State may be designated as the State Office.

STATEWIDE STRATEGY A statewide strategy must be developed for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances. This strategy must be prepared after consultation with State and local officials whose duty it is to enforce such laws.

MATCHING FUNDS At least 25% of the total cost of the project must be paid from non-Federal funds. Matching funds must be new funds which would not otherwise available for drug law enforcement.

PASSTHROUGH Local units of government must receive a share of the total State allocation that is equal the ratio of local criminal justice expenditures to total criminal justice expenditures in the State.

ADMINISTRATIVE COSTS Up to 10% of the funds allocated to a State may be used for costs incurred for program administration.

CONSTRUCTION Grant funds may be used for construction of penal and correctional institutions for those convicted of controlled substances offenses.

DISCRETIONARY GRANT PROGRAM

FUNDING 20% of the total allocation is reserved for the Discretionary Grant Program which will be used to enhance, coordinate and fill gaps in State and local drug control efforts through national and multi-state programs.

ELIGIBILITY Public agencies and private nonprofit organizations

MATCH Grants may be made for 100 percent of the costs of the project.

DEVELOPMENT OF PROGRAM PRIORITIES Input and recommendations are being solicited through mid-December. A program announcement and request for proposals will be published in the Federal Register in January, 1987.

DRUG LAW ENFORCEMENT PROGRAM
STATE BY STATE ALLOCATION OF FUNDS

State	FY 1987 Allocation	Percentage to be Passed through to Local Jurisdiction
Alabama	2,996,000	48.72%
Alaska	823,000	14.54
Arizona	2,478,000	64.04
Arkansas	1,964,000	53.47
California	16,866,000	66.87
Colorado	2,506,000	64.83
Connecticut	2,470,000	45.13
Delaware	886,000	25.66
Dist of Columbia	989,000	100.00
Florida	7,555,000	62.85
Georgia	4,210,000	56.92
Hawaii	1,154,000	48.50
Idaho	1,124,000	61.59
Illinois	7,660,000	65.32
Indiana	3,913,000	58.48
Iowa	2,290,000	54.77
Kansas	2,021,000	54.73
Kentucky	2,813,000	31.84
Louisiana	3,282,000	53.52
Maine	1,222,000	45.77
Maryland	3,226,000	41.24
Massachusetts	4,114,000	43.37
Michigan	6,141,000	60.67
Minnesota	3,103,000	67.32
Mississippi	2,122,000	50.92
Missouri	3,622,000	64.00
Montana	1,013,000	55.39
Nebraska	1,497,000	58.75
Nevada	1,081,000	72.43
New Hampshire	1,119,000	51.05
New Jersey	5,194,000	60.74
New Mexico	1,400,000	41.33
New York	11,539,000	61.73
North Carolina	4,383,000	42.50
North Dakota	925,000	64.81
Ohio	7,169,000	70.25
Oklahoma	2,549,000	46.88
Oregon	2,168,000	50.86
Pennsylvania	7,858,000	69.41
Rhode Island	1,101,000	44.95
South Carolina	2,578,000	41.91
South Dakota	939,000	50.62
Tennessee	3,456,000	59.39
Texas	10,662,000	67.87
Utah	1,521,000	50.05
Vermont	832,000	23.14
Virginia	4,042,000	31.96
Washington	3,237,000	56.37
West Virginia	1,702,000	49.21
Wisconsin	3,464,000	64.90
Wyoming	816,000	57.68
Puerto Rico	2,530,000	
Virgin Islands	567,000	
AM Samoa	522,000	
Guam	574,000	
N Mar Islands	512,000	
Total	178,400,000	

STATE OFFICES ADMINISTERING THE JUSTICE ASSISTANCE BLOCK AND DRUG LAW ENFORCEMENT FORMULA PROGRAMS

xx-Administers both JAA-Justice Assistance only DLE-Drug Law Enforcement only

NOTE: Only Kansas has not yet designated an office for the DLE program.

Alabama xx

Charles Swindall, Division Chief
Alabama State Department of Economics
and Community Affairs
Law Enforcement Planning Division
3465 Norman Bridge Road
P.O. Box 2939
Montgomery, Alabama 36105-0939
205/261-5891
Contact: Douglas Miller

Alaska xx

Herb Soll, Director
Criminal Prosecution
State Attorney General's Office
P.O. Box K. C.
Juneau, Alaska 99811
907/465-3428

Arizona xx

Ralph T. Milstead, Director
Arizona Department of Public Safety
P.O. Box 6638
Phoenix, Arizona 85005
602/262-8491
Contact: Jerry L. Spencer

Arkansas xx

Jerry Duran, Administrator
Office of Intergovernmental Services
Department of Finance and Administration
1515 Building, Suite 412
P.O. Box 3278
Little Rock, Arkansas 72201
501/371-1074

California xx

G. Albert Howenstein, Jr.
Executive Director
Office of Criminal Justice Planning
1130 K Street, Suite 300
Sacramento, California 95814
Contact: Judy O'Neal, 916/323-7724

Colorado xx

Bill Woodward, Director
Division of Criminal Justice
700 Kipling Street, 3rd Floor
Denver, Colorado 80215
303/239-4442
Contact: Lynn Wiletsky
303/239-4442

Connecticut xx

William H. Carbone, Under Secretary
Office of Policy and Management
Justice Planning Division
80 Washington Street
Hartford, Connecticut 06106
203/566-3020
Contact: Thomas A. Siconolfi

Delaware xx

Thomas J. Quinn, Executive Director
Criminal Justice Council
Carvel State Office Building
820 North French Street, 4th Floor
Wilmington, Delaware 19801
302/571-3430

District of Columbia xx

Shirley A. Wilson
Office of Criminal Justice
Plans and Analysis
1111 E Street, N. W. Suite 500-C
Washington, D.C. 20004
202/727-6537

Florida xx

Sandra M. Whitmire, Chief
Bureau of Public Safety Management
2571 Executive Center, Circle East
Talahassee, Florida 32399
904/488-8016/5455
Contact: Dennis Pritchett, 904/488-8016

Georgia xx

William D. Kelley, Jr., Director
Criminal Justice Coordinating Council
470 East Tower, 205 Butler Street, S.E.
Atlanta, Georgia 30334
404/656-1721
Contact: Mike Vollmer

Hawaii xx

Dr. Irwin Tanaka, Director
State Law Enforcement Planning Agency
426 Queen Street, 2nd Floor
Honolulu, Hawaii 96813
808/548-3800
Contact: Lauri Koga, 808/548-3800

Idaho xx

Michael Prentice, Administrator
Idaho Dept of Law Enforcement
Division of Administration
Criminal Justice Support Bureau
6111 Clinton Street
Boise, Idaho 83704
208/334-2909
Contact: W.C. "Bill" Overton
Cheri Elms

208/334-3510

Illinois xx

J. David Coldren, Executive Director
Illinois Criminal Justice
Information Authority
120 S. Riverside Plaza, Suite 1016
Chicago, Illinois 60606
312/793-8550
Contact: Barbara McDonald

Indiana xx

Bobby Jay Small, Executive Director
Indiana Criminal Justice Institute
150 West Market Street, Second Floor
Indianapolis, Indiana 46204
317/232-2360
Contact: Doug Fowler, 317-232-2561

Iowa JAA

Richard R. Ramsey, Executive Director
Iowa Criminal and Juvenile Justice
Planning Agency
Lucas State Office Building
Des Moines, Iowa 50319
515/281-3241
Contact: Steve Moslikowski, 515/281-8822

Iowa DLE

Mary Ellis, Commissioner
Iowa Department of Public Health
Lucas State Office Building
Des Moines, Iowa 50319
515/281-5605
Contact: Almo Hawkins, 515/281-3641

Kansas JAA

Terry Smith
VTS, Ltd.
655 15th Street, N. W., Suite 300
Washington, D., C. 20005
Contact: Terry Smith
913/296-3011
202/639-4086

Kentucky xx

Norma C. Miller, Secretary
Justice Cabinet
Commonwealth Credit Union Bldg.,
417 High Street, 3rd Floor
Frankfort, Kentucky 40601
502/564-7554
Contact: Gary Wainscott, 502/564-7554

Louisiana xx

Michael Ranatza
Louisiana Commission on Law Enforcement
2121 Wooddale Blvd.
Baton Rouge, Louisiana 70805
504/925-4430
Contact: Ben Garris, Janice Thompson,
504/925-4421

Maine JAA

Maurice Harvey
Maine Criminal Justice Academy
93 Silver Street
Waterville, Maine 04901
207/873-2651

Maine DLE

John Atwood, Commissioner
Department of Public Safety
State House Station 42
Augusta, Maine 04333
207/289-3801

Maryland JAA

John J. O'Neill, Assistant Secretary
Department of Public Safety
and Correctional Services
6776 Reisterstown Road, Suite 310
Baltimore, Maryland 21215-2044
301/764-4029
Contacts: Nancy Rahnfeld, Betty Chemers

Maryland DLE

Floyd Pond, Executive Director
Office of Justice Assistance
6776 Reisterstown Road, 3rd Floor
Baltimore, Maryland 21215
301/764-4336

Massachusetts xx

Patrick M. Hamilton, Executive Director
Massachusetts Committee on
Criminal Justice
100 Cambridge St., Room 2100
Boston, Massachusetts 02202
617/727-6300
Contact: Kevin Shanley

Michigan xx

Patricia A. Cuza, Director
Office of Criminal Justice
P.O. Box 30026
Lansing, Michigan 48909
517/373-6655
Contacts: Scott Power, Ardith DaFoe
517/335-1596

Minnesota xx

Ann Jaede, Director
Criminal Justice Program
Minnesota State Planning Agency
100 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
612/296-7819

Mississippi - Award Documents only

Beverly W. Hogan, Executive Director
Office of Federal-State Programs
2002 Walter Sillers State Office Building
500 High Street
Jackson, Mississippi 39201
601/359-3150

Mississippi xx

Roy Thigpen, Director
Department of Criminal Justice Planning
Governor's Office of Federal
State Programs
301 W. Pearl Street
Jackson, Mississippi 39203-3088
601/949-2198
Contact: Herbert Terry, 601/949-2223

Missouri xx

Richard Rice, Director
Missouri Department of Public Safety
Truman State Office Building
P.O Box 749
Jefferson City, Missouri 65102-0749
314/751-4905
Contact: Vicki Scott, JAA, 314/751-4905
David Rost - DLE

Montana xx

Mike Lavin, Administrator
Montana Board of Crime Control
303 North Roberts, Scott Hart Building
Helena, Montana 59620
406/444-3604
Contact: Marvin Dye, 406/444-3604

Nebraska xx

Jim Joneson, Executive Director, (DLE)
Mark D. Martin, Division Chief, (JAA)
Nebraska Commission on Law
Enforcement & Criminal Justice
P. O. Box 94946
Lincoln, Nebraska 68509
402/471- 2194

Nevada xx

Wayne R. Teglia, Director
Department of Motor Vehicles
and Public Safety
555 Wright Way
Carson City, Nevada 89711-0900
Contact: Jacque Hollingsworth
702/885-5380

New Hampshire xx

Mark C. Thompson
Law Office Administrator
Office of the Attorney General
State House Annex
Concord, New Hampshire 03301
603/271-3658

New Jersey JAA

Donald J. Apai, Acting Director
State Law Enforcement
Planning Agency
CN 083
Trenton, New Jersey 08625
609/588-3920

New Jersey DLE

W. Carey Edwards
Attorney General
Richard Hughes Justice Complex
CN 080
Trenton, New Jersey 08625
609/984-9495

Greg Schultz (Contact)
Deputy Attorney General
CN 081
Trenton, New Jersey 08625
609/984-6996

New Mexico xx

Joe Guillen, Deputy Director
Local Government Division
Department of Finance and
Administration
206 Lamy Building
Santa Fe, New Mexico 87501-2783
505/827-4950

New York xx

Laurence T. Kurlander, Commissioner
New York State Division of
Criminal Justice Services
Executive Park Tower
Stuyvesant Plaza
Albany, New York 12203-3764
518/457-8406
Contacts: John Bonn, Howard Schwartz
518/453-5915

North Carolina xx

Greg Stahl, Director
Governor's Crime Commission
P.O. Box 27687
Raleigh, North Carolina 27611
919/733-5013
Contacts: Virginia Price and
Sandy Pearce - (JAA)
Bruce Marshburn - (DLE)

North Dakota xx

Bill Broer, Director
Criminal Justice Training
and Statistics Division
Attorney General's Office
State Capitol
Bismarck, North Dakota 58505
701/224-2210

Ohio xx

Michael J. Stringer, Director
Governor's Office of Criminal
Justice Service
65 East State Street, Suite 312
Columbus, Ohio 43215
614/466-7782
Horst Gienapp (Assistant Director)
George Bennett (Grants Manager)
614/466-7782
Contact: Majorie Harrison, 614/466-7782

Oklahoma xx

Ted Ritter, Executive Coordinator
District Attorneys Training
Coordination Council
5105 N. Sante Fe Street
Oklahoma City, Oklahoma 73118-7592
405/521-2349
Contact: Susan Damron, 405/521-2349

Oregon xx

Dave Frohnmayer, Attorney General
State Department of Justice
100 Justice Building
Salem, Oregon 97310
503/378-6002
Contact: Jim Hueser, 503/378-4229

Pennsylvania xx

James Thomas, Executive Director
Pennsylvania Commission on
Crime and Delinquency
P.O. Box 1167, Federal Square Station
Harrisburg, Pennsylvania 17108-1167
717/787-2040
Contact: Richard D. Reeser, 717/787-8559

Puerto Rico JAA

Julio Rosa, Director
Commonwealth of Puerto Rico
Department of Justice
G.P.O. Box 192
San Juan, Puerto Rico 00902
809/721-2900, Ext. 564

Puerto Rico DLE

Hon. Hector Rivera-Cruz
Attorney General
Department of Justice
Commonwealth of Puerto Rico
P. O. Box 192
San Juan, Puerto Rico 00902
Contact: Julio Rosa

Rhode Island xx

W. Bradley Crowther, Executive Director
Governor's Justice Commission
222 Quaker Lane, Suite 100
Warwick, Rhode Island 02893
Contact: Bill Martin, 401/277-2620

South Carolina xx

Stan M. McKinney, Director
David E. Belding, Deputy Director
Division of Public Safety Programs
1205 Pendleton Street
Columbia, South Carolina 29201
803/734-0425
Contact: Mike Dubose, 803/734-0423

South Dakota xx

Roger Tellinghuisen
Attorney General
State Capitol
Pierre, South Dakota 57501
605/773-3215

Tennessee JAA

Stephen H. Norris, Commissioner
Department of Correction
Rachel Jackson Building, 3rd Floor
320 6th Avenue, North
Nashville, Tennessee 37219-5252
615/741-2071
Contact: Roy McKuhen, 615/741-6918

Tennessee DLE

James Hall, Director
State Planning Office
307 John Sevier Building
500 Charlotte Avenue
Nashville, Tennessee 37219-5082
615/741-1676

Texas xx

Rider Scott, Executive Director
Criminal Justice Division
P.O. Box 12428, Capitol Station
Austin, Texas 78711
512/463-1919
Contact: Glenn Brooks (JAA)
Fred Lee (DLE)
512/463-1919

Utah xx

Steve Mecham, Executive Director
Commission on Criminal and
Juvenile Justice
Room 101, State Capitol Building
Salt Lake City, Utah 84114
801/533-7935
Contact: Dave Walsh, 801/533-7932

Vermont JAA

Gretchen Morse, Secretary
Vermont's Agency of Human Services
103 S. Main Street
Waterbury, Vermont 05676
802/241-2220
Contact: Brenda Bean, 802/241-2227

Vermont DLE

James Walton, Jr., Commissioner - DLE
Vermont Department of Public Safety
Waterbury State Complex
103 South Main Street
Waterbury, Vermont 05676
802/244-8718
Contact: Ted Nelson, Director
Administrative Services
802/244-8763

Virginia xx

Richard N. Harris, Director
Department of Criminal Justice Services
805 East Broad Street
Richmond, Virginia 23219
804/786-4000
Marty Mait (Dep. Dir.) - 804/786-7840
Jim Kouten - (Contact) 804/786-7299

Virgin Islands xx

Jacqueline Dennis, Administrator
Virgin Islands Law Enforcement
Planning Commission
P.O. Box 3807
St. Thomas, Virgin Islands 00801
809/774-6400

Washington xx

Chuck Clarke, Deputy Director
Washington State Department
of Community Development
Ninth & Columbia Building, MS-GH-51
Olympia, Washington 98504-4151
206/753-2203
Contact: Dan Aarthun, 206/586-1237

West Virginia xx

James M. Albert, Manager
Criminal Justice and Highway
Safety Office
5790-A MacCorkle Avenue, S.E.
Charleston, West Virginia 25304
304/348-8814
Contact: Craig Loy, 304/348-8814

Wisconsin xx

Ted Meekma, Executive Director
Wisconsin Council on
Criminal Justice
30 West Mifflin Street
Madison, Wisconsin 53703
608/266-3323
Contacts: Nat Robinson - 608/266-7282
Harry Yates - 608/266-3323

Wyoming xx

C.A. Crofts, Director
Division of Criminal Investigation
500 Randall Avenue
Cheyenne, Wyoming 82002
307/777-7181
Contact: Bill Coloruso, 307/777-7840

American Samoa (JAA)

Mr. La'auli A. Filoiali'i
Executive Director
Criminal Justice Planning Agency
American Samoa Government
Pago Pago, American Samoa 96799
011/*634/633-4155*

American Samoa (DLE)
Moaali'itele L. K. Tu'ufuli, Commissioner
Department of Public Safety
American Samoa Government
Pago Pago, American Samoa 96799
011/*634/633-1111*

Commonwealth, No. Mariana Islands xx

Richard D. Shewman, Director
Criminal Justice Planning Agency
Office of the Governor
P. O. Box 1133
Saipan, CM 96950
011/670/322-9350

Guam xx

Michael Cruz, Director
Bureau of Planning
Governor's Office
P. O. Box 2950
Agana, Guam 96910

Contact: Miki Leon Guerrero
011/671/472-8931; ext. 405

TENTATIVE AGENDA

WEDNESDAY 1:00 P.M.

PROGRAM ADMINISTRATION

Review of application kit used by states to apply for Narcotics Control formula Grant funds.

Discussion of administrative and financial requirements.

Question and answer session with BJA, Office of General Counsel and Office of the Comptroller representatives.

THURSDAY 9:00 A.M.

INTRODUCTION/GOALS AND OBJECTIVES OF WORKSHOPS; OJP/BJA PRESENTATION

THE DRUG PROBLEM

Panel: Types of drug-involved offenders and their patterns of crime and arrest.

Need for data to define the drug problem in the state, sources of data and methods of developing future data sources.

APPREHENSION PROGRAMS

Panel: Law enforcement practices and the drug market. A description of specific law-enforcement strategies and tactics that appear to affect the availability of drugs and paraphernalia, such as street sweeps.

Description of [Federal Program, Operation Pipeline and use of formula grant funds for Pipeline activities.

Description of Program Brief, Narcotics Trafficking Task Force Program.

Description of Statewide Drug Prosecution Programs.

Description of Repeat Offenders Projects.

Description of Street Impact Projects, (Street Sweeps).

Discussion of Confidential Funds Guidelines.

Description of Financial Investigations Programs (Asset Seizure and Forfeiture)

ERADICATION PROGRAMS

Description of Program Brief, Marijuana Eradication - Information Guide for Law Enforcement Managers and Officers.

PROSECUTION AND MAJOR DRUG OFFENDERS DEMONSTRATION PROGRAMS

Description of Program Brief, Career Criminal Prosecution as it relates to major drug offenders.

Police and Prosecution Coordination.

ADJUDICATION PROGRAMS

Panel: Application of Court Delay Reduction Program techniques.

Use of Differentiated Case Management.

Application of jail capacity reduction Program techniques

Sentencing alternatives for drug-involved offenders.

FRIDAY 8:30 A.M.

DETENTION AND REHABILITATION PROGRAMS

Panel: Description of programs for drug offenders which provide a linkage between institutional and community drug treatment services, including drug treatment in jail settings, probation and parole narcotics interdiction and intensive supervision of drug offenders.

Institutional programs for drug offenders.

Alternatives institution programs for drug offenders.

Description of technical assistance available.

Discussion of guidelines for expansion or constriction of prison and jail facilities and Construction Information Exchange services.

TREATMENT PROGRAMS

Panel: Distinguishing among offenders -- indicators to be used in deciding who should go to treatment; Distinguishing among treatment programs--indicators to be used in selecting the right one.

TASC as an alternative and as a bridge to other alternatives.

Monitoring drug use during conditional release. Urine testing -- who, when, where and how.

Demonstration of pretrial drug detection.

Drug detection technology -- what is available, what is being used, approaches to selection.

STATEWIDE DRUG STRATEGY DEVELOPMENT

The impact of effective drug enforcement programs on the criminal justice system. Assessment of the impact of effective enforcement on the workload of prosecutors and the courts; the impact of mandatory sentencing for drug involved offender on correctional resources.

A walk through the drug strategy development process.

ADJOURN FRIDAY 1:30 P.M.

TENTATIVE AGENDA

WEDNESDAY 1:00 P.M.

PROGRAM ADMINISTRATION

Review of application kit used by states to apply for Narcotics Control Formula Grant Funds.

Discussion of administrative and financial requirements.

Question and answer session with BJA, Office of General Counsel and Office of the Comptroller representatives.

THURSDAY 8:00 A.M.

INTRODUCTION/GOALS AND OBJECTIVES OF WORKSHOPS; BJP/BJA PRESENTATION

THE DRUG PROBLEM

Panel: Types of drug-involved offenders and their patterns of crime and arrest.

Need for data to define the drug problem in the state, sources of data and methods of developing future data sources.

APPREHENSION PROGRAMS

Panel: Law enforcement practices and the drug market. A description of specific law-enforcement strategies and tactics that appear to affect the availability of drugs and paraphernalia, such as street sweeps.

Description of [federal] Program, Operation Pipeline and use of formula grant funds for Pipeline activities.

Description of Program Brief, Narcotics Trafficking Task Force Program.

Description of Statewide Drug Prosecution Programs.

Description of Repeat Offenders Projects.

Description of Street Impact Projects, (Street Sweeps).

Discussion of Confidential Funds Guidelines.

Description of Financial Investigations Programs (Asset Seizure and Forfeiture)

ERADICATION PROGRAMS

Description of Program Brief, Marijuana Eradication - Information Guide for Law Enforcement Managers and Officers.

PROSECUTING AND MAJOR DRUG OFFENDERS ADMINISTRATIVE PROGRAMS

Description of Program Brief, Career Criminal Prosecution as it relates to major drug offenders.

Police and Prosecution Coordination.

ADJUDICATION PROGRAMS

Panel: Application of Court Delay Reduction Program techniques.

Use of Differentiated Case Management.

Application of jail capacity reduction Program techniques

Sentencing alternatives for drug-involved offenders.

FRIDAY 8:30 A.M.

DETENTION AND REHABILITATION PROGRAMS

Panel: Description of programs for drug offenders which provide a linkage between institutional and community drug treatment services, including drug treatment in jail settings, probation and parole narcotics interdiction and intensive supervision of drug offenders.

Institutional programs for drug offenders.

Alternatives institution programs for drug offenders.

Description of technical assistance available.

Discussion of guidelines for expansion or construction of prison and jail facilities and Construction Information Exchange services.

TREATMENT PROGRAMS

Panel: Distinguishing among offenders -- indicators to be used in deciding who should go to treatment; Distinguishing among treatment programs-- indicators to be used in selecting the right one.

TASC as an alternative and as a bridge to other alternatives.

Monitoring drug use during conditional release. Urine testing -- who, when, where and how.

Demonstration of pretrial drug detection.

Drug detection technology -- what is available, what is being used, approaches to selection.

STATEWIDE DRUG STRATEGY DEVELOPMENT

The impact of effective drug enforcement programs on the criminal justice system. Assessment of the impact of effective enforcement on the workload of prosecutors and the courts; the impact of mandatory sentencing for drug involved offender on correctional resources.

A walk through the drug strategy development process.

ADJOURN FRIDAY 1:30 P.M.

APPLICATIONS FOR ADMIN FUNDS UNDER THE DLE FORMULA PROGRAM
(as of 2/13) (32 Applications Received)
(55 State Offices designated--48 same as JAA)
(KANSAS not yet designated)

STATE	APP REC'D		STATUS	AMT OF APP	SIGND-OFF	AWD AMT	10% IF DIFFRNT
Alabama	12/8		PDMD 12/30	$ 299,600	1/2/87	299,600	
Alaska							
Arizona							
Arkansas			under review	1,686,600			
Calfrnia	2/16						
Colorado	2/19						
Conn.	02/9		under review	100,000			247,000
Delawre							
D. C.	12/5		PDMD 12/30	88,900	1/2/87	88,900	
Florida	02/10		under review	285.014			755,500
Georgia	01/23	***	PDMD 02/12	421,000			
Hawaii							
Idaho	12/5		PDMD 12/31	112,400	1/2/87	112,400	
Illinois	11/24		PDMD 12/31	536,000	1/2/87	536,000	766,000
Indiana	01/6		PDMD 01/20	391,300	2/2/87	391,300	
Iowa	12/4		PDMD 12/30	229,000	1/2/87	229,000	
Kansas							
Kentucky	12/4		PDMD 12/30	281,300	1/2/87	281,300	
Louisana							
Maine							
Maryland	02/02		under review	322,600			
Masschst	2/17						
Michgan	01/23		PDMD 02/04	160,000	2/11/87	160,000	614,100
Minnsota	01/23	***	PDMD 02/04	310.300	2/25/87	310,300	
Miss.	12/16		PDMD 01/20	212,200	2/2/87	212,200	
Missouri	01/28	***	PDMD 02/06	280,177	2/17/87	280,177	362,200
Montana	12/30		PDMD 02/02	101,300	2/11/87	101,300	
Nebrska	12/9		PDMD 01/20	149,700	2/3/87	149,700	
Nevada	01/28		under review	36,000			108,100
N.Hamp	12/4		PDMD 01/20	111,900	2/3/87	111,900	
N.Jersey							
N.Mexico							
N.York	12/9		PDMD 01/20	1,153,900	2/5/87	1,153,900	
N.C.	12/18		PDMD 12/31	438,300	1/2/87	438,300	
N.Dakota	1/13						
Ohio	11/14		PDMD 12/30	716,900	1/2/87	716,900	
Oklahoma	11/18		PDMD 1/9(14)	254,900	1/27/87	254,900	
Oregon							
Penn.	01/13	***	PDMD 02/06	785,800	2/17/87	785,800	
P.Rico							
R.I.	2/13						
S.C.	02/9		under review	257,800			
S.D.							
Tenn.	2/17						

STATE	APP REC'D		STATUS	AMT OF APP	SIGND-OFF	AWD AMT	10% IF DIFFRNT
Texas	02/10		under review	1,066,200			
Utah							
Vermont							
Virgn Isle	12/23		PDMD 01/20	56,700	2/3/87	56,700	
Virgnia	12/18		PDMD 01/20	404,200	2/2/87	404,200	
Washngtn	01/7		PDMD 01/22	323,700	2/4/87	323,700	
W.V.	12/1		PDMD 1/9(14)	170,200	1/27/87	170,200	
Wiscnsn	01/13		PDMD 1/28	225,160	2/3/87	225,160	346,400
Wyomng							
Am Samoa							
Guam							
NMarianas	12/15	***	PDMD 02/06	51,200	2/25/87		

Number of apps rec'd 32

Number of awds signd 26

Dollars awarded 6,417,560

2300 M STREET N.W. SUITE 910
WASHINGTON, D.C. 20037
(202) 466-7820

DARREL W. STEPHENS
EXECUTIVE DIRECTOR

POLICE EXECUTIVE
RESEARCH FORUM

March 18, 1987

Hon. Charles Rangel, Chairman
Select Committee on Narcotics Abuse
and Control
U. S. House of Representatives
Washington, D. C. 20515

Subject: Proposed Termination of State and Local Assistance under the Anti-Drug Abuse Act of 1986

The Police Executive Research Forum is deeply concerned about the proposed termination of budgetary support for state and local narcotics control efforts, as provided for under the Anti-Drug Abuse Act of 1986. Among other activities, the Forum recently conducted a poll of members on the narcotics issue. In overwhelming numbers, our members expressed strong support for federal leadership and support of narcotics control efforts at all levels of government.

The Forum strongly supported enactment of this legislation, is actively involved in the development of several innovative programs to attack drug trafficking at several levels, and feels equally strongly now that the program should not be curtailed in its infant stage. We are pleased to join the witnesses before your Select Committee and others who have come forward to describe the damage that a program termination would mean at this time; and on the positive side, to set forth reasons why the constructive work that has started should be continued.

No lengthy introduction is needed to justify the expenditure of federal funds on improvements to state and local enforcement capabilities. The legislation that provided for this assistance program does that very adequately and, we feel, might serve to refresh the memories of those who propose a funding termination at this extremely sensitive time. Our position is clear and can be stated briefly: anyone who understands the enormity of the narcotics problem facing state and local enforcement agencies begins to appreciate the nature of the resource commitment that is necessary in order to contain and combat that traffic. In spite of the increase in federal resources that have been made available by this Administration, the drug trafficking problem continues to grow.

Drugs that escape eradication in foreign fields, manufacture in overseas clandestine laboratories, interdiction on the high seas and in the air--all somehow manage to enter our states, counties, and municipalities

on a routine basis. Although such traffic clearly violates federal law, the division of large drug shipments into wholesale and retail quantities inevitably becomes a matter within state and local jurisdiction. Traffic in and around schools, and on street corners where frequent and new users congregate--these represent local police problems, which have grown worse in recent years because of the tons of hard drugs that escape federal confiscation and make their way to those street corners and school yards.

The allocation of $265 million in federal assistance for state and local agencies represents, at best, a modest addition of resources. In order to appreciate just how modest this increment is, we have to keep in mind that the growing availability of drugs has dramatically increased the number of drug dealers--both retail and wholesale--who operate in and plague our communities. That reality, in turn, automatically strains the resources of police narcotics units. The federal assistance program provides for expenditures on personnel, equipment, training, and other essential categories. Although it has been suggested that the level of federal resource commitment is small, relative to current state and local law enforcement spending in the aggregate, these federal resources are pivotal because they raise state and local capabilities to the very strength that is needed to challenge local drug trafficking more effectively.

We would like to emphasize several of the major reasons for sustaining the program of federal assistance, and note that these are the very reasons that led to the groundswell of Congressional and law enforcement support for the program to begin with. Clearly, if anything has changed in the year since the idea for such a program gained acceptance, it is that law enforcement needs and nationwide support for the program is even stronger. I have summarized below several additional points which question the wisdom of terminating the program now:

- Recent federal concentration on higher level drug dealers--foreign producers, importers, international cartels, etc.--has stripped many federal resources away from trafficking levels at the upper-middle and middle ranges, where federal activity has historically been dominant. This leaves non-federal agencies with even greater responsibilities against wholesale dealers than before, but without the resources (in the absence of federal assistance) that the federal agencies have enjoyed to attack this area. The removal of federal assistance at this time serves to create a vacuum in enforcement that works to the benefit of drug traffickers.

- The major problem with cutting off federal help after the first year is that innovative strategies, demonstrations, probable models, etc., will have just begun. That is the worst time to end support by the federal government,because the impact of the support will never be determined. Moreover, a long term commitment to addressing the problem needs to be made by government at all levels.

- The federal commitment also pays for a lot of national level innovations and assistance, such as the Police Executive Research Forum's asset forfeiture training and technical assistance project, its demonstration on how problem oriented policing can help control inner city drug problems, and worthwhile initiatives by other organizations. We need to remember that the proposal to terminate this program also kills the discretionary program that provides assistance to agencies that may not receive federal block grant law enforcement assistance.

It has been suggested that local agencies fund all of their narcotics initiatives and expanded activities with the proceeds of asset forfeiture actions. There are a number of problems with that argument, most important of which is that many states do not have effective forfeiture laws that facilitate the seizure of assets acquired with carefully hidden or laundered funds. Rather, forfeitures customarily involve conveyance automobiles and cash. Criminals well aware of this are shifting to the renting and leasing of autos and are investing more time and stealth in concealing their proceeds.

Agencies that seek to support their narcotics enforcement with forfeited proceeds will be encouraged to focus their efforts on dealers who own their cars outright or are especially careless in exposing their liquid assets. Realistically, those more vulnerable dealers might not, in fact, be the most active or dangerous traffickers in the community. A second problem concerns the federal program of sharing forfeited assets with participating state and local agencies. That initiative has several problems, including often long procedural delays in settling forfeiture actions and in turning over the state and local shares to them. The prolonged waiting period works against providing agencies with the working capital that they need for ongoing investigations and unit support activities. Overall, the placing of revenue generating responsibility within a police agency transforms it, in effect, into a taxing body. We feel that such a transformation can work against the goal of professional and progressive law enforcement.

We hope that the above comments are helpful to the Select Committee in its consideration of this matter, and stand ready to provide additional information to you if called upon to do so.

Sincerely yours,

Darrel W. Stephens
Executive Director